

Closed Caption Log, Council Meeting, 11/18/10

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>> Mayor Leffingwell: Good morning, everyone. I'm stain mayor lee leffingwell and we will begin today with the invocation from father will wack from saint ignatius catholic church. Please stand.

[10:06:19]

>> We pray. Good and gracious job we as a nation, as families, your children, your people gather to give you thanks for all that you have given to us and for us and with us. President abraham lincoln reminds news his thanksgiving statement that we should give you thanks because no mere mortal have done the things do you. It is good to give you thanks and we humble ourselves and remember that we are just human beings. Use us especially today and in all of our meetings and all of our deliberations to do your will for those especially who are in great need. Help us to respect and recognize diversity and even conflict as a sign of our willingness to do your will, to know and do your will. Bless us, bless all elected and appointed officials. May we humble ourselves and get out of the way so that you can work in and through us. We love you, we praise you and we bless you and we thank you for you live and reign forever and over. Amen.

>> Mayor Leffingwell: Please be seated. A quorum is present so I'll call this meeting of the austin city council to order on thursday, november 18, 2010, at 10:06 a.m. We're meeting this the council chambers, austin city hall, 301 west second street, austin, texas. Begin with the reading of the changes and corrections to today's agenda. Item number 5, strike the acronym hm and insert mwh. Item 27, add the phrase postpone to december 9, 2010. Item 46, strike the words funding is available in the fiscal year 2010-2011 operating budget of the austin police department. Funded by the 2009 department of justice assistance grant program, and insert the words funding is available in the 2009 department of justice assistance grant program budget. Item number 47, add recommended by the electric utility commission. Item 55, add as a co-sponsor councilmember chris riley. Item 60, add as a co-sponsor councilmember chris riley. Item 63, add as a co-sponsor mayor pro tem mike martinez. Item 65, strike december 19th and add DECEMBER 16th. Actually we're only striking the numbers and adding the number. Our time certain items today, 30 morning briefing will be a briefing on the new central library project. The briefing on the african-american resource advisory commission has been postponed until december 9, 2010. 00 noon we'll have our general citizens communication. discussion and possible action on bond sales, and that will be a time certain item as it has to be 00 in the afternoon. So we will plan on interrupting whatever business we are taking up at that time to address the bond sale item. we'll take up our zoning matters. 00 we'll have public hearings and possible actions on some of those public hearings. 30 we will have live music and proclamations and the musician for today is bk and mr. e. Our consent agenda for today is items 1 through 70 with some exceptions which I'll read in just a moment, but first I want to read into the record item 64 which will remain on consent. These are appointments to boards and commissions. To the resource management commission, luke metzger is nominated by councilmember morrison. There is also a waiver, approve the waiver of attendance rierpt in section 2-1-26 of the city code for richard amadas service on the resource management commission. The waiver includes absences through today's date. Items pulled off of today's item number 26 is pulled by councilmember cole. Item number 60 pulled by councilmember shade. The following items are pulled off consent due to a number of speakers who wish to speak on items 2 and 3 will be taken together for the public comment period, and then items 4, 5, 23 and 24 will be taken together for public comment,

although we will address these items separately when we make motions on them. In addition to that, the following -- items number 20, 21, 34 and 66 are pulled for a number of speakers on those items. So those are the items that are pulled off the consent agenda, and before I entertain a motion to approve the consent agenda, we have one speaker signed up on 11 and one on 12 and we will take those two first. Item number 11 speaker is bill bunch who is signed up against. We also have a speaker on item number 6 which we will hear from. Item 11, bill bunch. Is bill bunch in the chamber? Item number 12, bill bunch. Is bill bunch in the chamber? Item number 6. The speaker is roy whaley. Roy is signed up for and you have three minutes. Is roy whaley in the chamber? > Howdy, y'all, good morning, my name is roy whaley, vice chair of the austin sierra club. This is a water reclamation line and this is exactly what sierra club does support is the use of reclaimed water. And this is where we should be going with our conservation efforts. This is where our money should be going, look at the price tag on that compared to what you are going to be looking at with wtt 4, something that only sucks water out of the lake, this will actually keep water in the lake. And we are for it and we appreciate your time and hope that you look at water conservation more seriously instead of spending a billion dollars on water treatment. Thank you.

[10:14:35]

>> Mayor Leffingwell: Thank you. Those are all of the speakers signed up on items that remain on the consent agenda. I'll entertain a motion to approve the consent agenda. Councilmember morrison moves approval, second by councilmember spelman. Discussion? All in favor say aye.

>> Aye.

>> Mayor Leffingwell: That's approved on a vote of 6-0 with -- excuse me, 5-0 with mayor pro tem and councilmember cole off the dais. Council will now go to hear our speakers on items that have been pulled off due to speakers. First we will take up together for purposes of public comment items 5, 6, 21 and -- excuse me, 23 and 24. 4, 5, 23 And 24. We have a number of folks signed up.

>> Spelman: Mayor, are we doing 2 and 3 first?

>> Mayor Leffingwell: We take up these items first and then go next to 2 and 3. So I tried to arrange these in terms of folks signed up for and against these related items and I'll go first to those signed up for. Terry mitchell. We have a number of people signed up, so what I'm going to do is I'm going to call two names at once and we'll try to alternate podiums. Terry mitchell. Clark hydrick. And after clark will be adriana kneely. Okay. Evidently there's a tie poe. Adrian nealy please come up and be ready. Clark, you have three minutes.

>> Thank you, mayor and council, clark hydrick. Arrow is a multi county regional organization composed of 90 members from business, civic and academia. It studies a number of different areas, transportation, education, energy, but certainly water. With respect to water, arrow's views that the two rather obviously goals are number one to have an adequate supply of raw water for our region. And number 2, to be able to have an adequate treatment capacity and delivery capacity for that water to support the reasonable anticipated needs for the community. With respect to the first issue, arrow believes that it's very important that we have a regional aggressive effort to conserve water. And that all of our utilities throughout the region need to work together in order to try to accomplish that. With respect to number 2, the issue of treatment capacity and distribution capacity, arrow believes strongly that we need water treatment plant number 4 and we should proceed with dispatch to complete it. We believe this for several reasons. First, we believe that even with an aggressive conservation program which we need and arrow supports that the reasonably anticipated needs of the community are going to require substantial additional treatment and distribution capacity in the near future. Secondly, we believe that given the circumstances it's impossible to determine when is the exact perfect time to construct this plant, but with -- with costs, interest rates the way they are, with the demand that we see is going to develop in terms of good, solid economic growth that's occurring in our region right now, we believe that

the wisest course is to move quickly. And with dispatch. And finally, we see the city and council manager form of government very solidly supporting the council making the -- the policy decisions and the staff and contractors implementing those decisions. The council has passed the policy decision. You really have made that decision many, many years ago when you committed to the bull creek plant where we spent a good deal of money and had to walk away from that investment. You certainly have done so when you voted last year to move forward with this plant. We've now spent many millions of dollars moving forward. The policy decisions are made. The time has come to check --

[10:19:52]

[buzzer sounding] -- the completion of the plant to the staff and your contractor so that we can move ahead with dispatch. We ask that you support the resolutions before you that would do that. Thank you.

>> Mayor Leffingwell: Thank you. Council, there is a late sign-up for an item on the consent agenda and sign-up item and I missed it so with your indulgence and permission, this item has already passed, I'd like to interrupt this period of public comment on this item to hear scott johnson for three minutes. Mayor pro tem.

>> Martinez: I would like to make a request that we reconsider the item since councilmember cole and I were discussing. I want to be shown in favor of all the items on consent so could we please reconsider the entire consent agenda so councilmember cole and I could vote on it.

>> Mayor Leffingwell: Well, I believe we can have you shown, can we not, on the entire consent agenda and councilmember cole as well? Would that suffice? The clerk will make that correction. Go ahead.

>> Good morning, mayor, council, mr. city manager. I'm here to speak about item 44 which is a purchase for police sedans that are e-85 capable meaning they can use an 85 blend of ethanol, 15% gasoline. Ethanol is considered a renewable fuel and alternative fuel. The challenge is who you go to for the information about what the greenhouse gas emissions benefit is for it and what the ground level air quality benefit is for it. Based on information from the past, it's become clear that it's a very energy intensive fuel, meaning that it takes almost as much energy to make the fuel as the energy that it gives off when it's burned. The city of austin has made two prior procurements for crown victoria police sedans and both times I was down here to speak on the items. The first time talking to former mayor will wynn about it and he agreed at that time as I think staff would that this corn based ethanol is a transitional fuel. It seems always that the new technology for cellulosic ethanol is always two years away or three years away. This item came before council about three years ago and cellulosic ethanol is not here to market yet. Some of the relevant facts is that when you look at the cost of ethanol and the miles per gallon that someone gets from ethanol, since it doesn't have as much energy capability as gasoline, you see that the cost of ethanol is actually greater than what the city pays for it to get the same miles per gallon, the same range for these police sedans. Some folks think that ethanol gets 15 or 20% lower greenhouse gas emissions, others think that the greenhouse gas emissions would slightly increase. And certainly the production of ethanol releases volatile organic compounds which is an ozone precursor that we know is a primary emission for ground level ozone. Even the california air resources board does not list midwest corn ethanol as meeting this new standard that they promulgated last year in 2009 as a low carbon fuel. And due to indirect land effects, land use changes, some people think that tilling the soil releases emissions carbon back from the soil so you have this issue of is it the case that from a life cycle, from a well to wheel perspective are we gaining ground buying this fuel and i would say it's questionable. I would encourage the city council as I have before to put together a group of staff and outside experts to develop a fuel policy, alternative fuel policy for the city of austin and postpone this item until we know whether it's better to buy v-6 dodge charges, which clearly get more miles per gallon, than v-8 crown victorias or go down the road we've already gone down.

[10:24:19]

>> Mayor Leffingwell: That's your time, scott.

>> I'd be happy to answer any question.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: If I could just say a word about this item. I did ask staff to take a look at the concerns that johnson has raised and i think it's important that we do look at -- look carefully at the environmental implications of fuel that's used by our -- all our city vehicles including police vehicles. With respect to this particular decision, we looked johnson suggested at the comparison between crown victorias and dodge chargers and found that the charges would have slightly greater 3 as compared with 10.5. But there are some down sides. There's accident repair costs higher with the dodge charger based on the -- what other law enforcement agencies have had. We currently about have about \$90,000 inventory and the department expects that we would have down time increases if we made that switch. I agree completely with johnson that there are reasons -- there is cause for concern about whether ethanol is really the best alternative, and I like the suggestion that we have some renewed effort to look at this question and figure out what is the best fuel alternative. But that is going -- that's not going to be -- whatever answer we have today, it's not going to be just -- it's not going to be the answer for all time. This is a constantly moving target. Technology changes on a yearly basis. We need to have this mechanism in place to make sure with all of our purchases we are considering these questions and making the best decisions. I'm satisfied that the current purchase is -- that we have done the best we could do with current purchase, and so I'm -- chose to support this item, but I think that based on scott's concerns and the questions that have been raised we need to -- we can do better going forward and with the help of our sustain ability officer and climate protection program making sure we're doing everything we can to get to the carbon neutrality goal we expect for the city.

>> Mayor Leffingwell: Thank you. We'll go back to public comment period on the items that we were just on. Terry mitchell. Is adrian nealy here in the chamber? Would you get ready to speak on this one and I would just comment that right now we have 102 minutes of public comment scheduled on this item so you don't -- if you don't need your whole three minutes, curry favor with the council and don't use it.

[10:27:18]

>> Terry mitchell. I am a resident of austin. I come on behalf of the chamber and I'm here to show our support for the construction of water treatment plant number 4. It is important to me as the city to look and see how we're planning the future. If you read the economic forecast, we are supposed to grow 580,000 people, our metro area, over the next ten years. In the past sometimes we haven't planned for that and when we don't then the market takes over and it starts putting those people willy-nilly where they can. And I think part of austin's leadership role in this metropolitan area is taking planning steps to move forward. I know that the austin water utility has spent an extensive amount of research as well as listening to citizen issues. This is not about -- in my opinion, this is not about the environment. Every step should be taken to ensure that this is an environmentally safe facility, but the fact of the matter is it's needed to handle our growth. Another item is it's in the desired development zone. It will encourage growth away from the drinking water quality protection areas. That is important to our city. I understand that the city has developed an environmental commissioning process that provides oversight and clear goals during the planning, design and construction and operation phases of this treatment plant. It's my understanding that this effort is unprecedented and I'm proud of austin for providing a leadership role. The project represents responsible decision making. Ladies and gentlemen, it is important, this goes hand in hand with the planning efforts we're doing in our city. If we plan as a suburban area the amount of water needed would grow exponentially. If we plan with a mixed use multi modal area we'll need less

but the fact of the matter we are going to need water to house 580,000 future residence. I strongly encourage the passage of the items for the construction -- for the design and construction of water treatment plant number 4. Thank you.

>> Mayor Leffingwell: Thank you. Adrian nealy. And after adrian will be james harper. Is james in the chamber? Anywhere? Go ahead, mr. nealy.

>> Good morning. Mayor, councilmembers, city manager, I'm here to address the issue of water treatment plant number 4. As the second largest single project ever undertaken by the city of austin, water treatment plant number 4 project represents a significant business and economic development opportunity for all austin businesses but especially for minority and women owned business. As chair of the m.b.e., w.b.e. And small business advisory committee, it is gratifying to know that all goals for minority and women owned businesses, business participation for this project have been met or exceeded for all contracts awarded to date. It is further gratifying to know that most of the m.b.e. Firms are actually local austin firms. I support this item because mwh has demonstrated that they understand that the participation of minority and women owned businesses in the project is a high priority for our city. The mwh really has been a model in how to effectively participation and that is why I support this item. Thank you, mayor and councilmembers.

[10:31:17]

>> Mayor Leffingwell: Thank you. James harper. Following james is patrick flynn. Is patrick here? How about millie choo? You will be next.

>> Good morning, council. My name is james harper. Founder and former president of the austin black contractors association. I'd like to say that from personal experience I've been before this council years fighting for minority participation, especially black participation on city contracts. It is to me a delight to have a contractor finally come to this city and do the right thing for minority participation on these contracts. I'm a contractor, subcontractor on this job, and I have to give them -- mwh builders a salute for doing what they've done to make sure that we are part of this project, which we need to be, the taxpayers in this city and I appreciate everything they've done and I would ask the council for once do the right thing for the local businesses of this city because we need this in this down time, in this economy, and I think this is the right time for this job to continue because it would be a great help to the economy of this city and I know it would help me pay my taxes which y'all will be looking for at the end of the year.

[Laughter]

>> Mayor Leffingwell: Thank you, james. We do appreciate that part of it for sure. Millie choo and after millie is barbara johnson. If you would be ready to speak on this side. Welcome.

>> Mayor and councilmembers, my name is millie choo, I live 8629-c coral creek cove which is just on top of the hill north of the proposed

[inaudible] as spicewood springs road. I'm here to speak in support of the water treatment plant and the waterline project. I understand that the construction will create inconveniences such as increased traffic and noise for myself and my family. But I'm also a reasonable and intelligent person to realize the need for the water treatment plant and the water lines. I moved to austin in 1976 and have lived in the same neighborhood for the past 34 years.

[10:34:06]

[Inaudible] many different infrastructure in our area and have enjoyed the benefits and amenities there to us now. That is what makes our neighborhood a desirable place to live. I believe the new water treatment plant and the waterline will provide a reliable source of water for future growth and will benefit the city, our children and our grandchildren. I don't believe the temporary construction activities will diminish the property value of my beautiful house. I urge the council to vote in favor of the construction of the water treatment plant and water lines. Thank you.

>> Mayor Leffingwell: Thank you, millie. Barbara johnson I believe has left the chamber, not in the chamber. So erikader and following erika john horton on the other side.

>> Good morning, mayor, councilmembers, city manager. My name is erika esteder, director for the asian-american resource center. I'm here today to speak on the network of asian-american options. They have an approved statement to read. The network is comprised of 15 member organizations including the resource center that collectively represent an asian population of over 70,000 austinites. ear mayor and councilmembers: Please vote yes on agenda item number 4 and 5 to authorize the negotiation and execution of all required work authorization amendments for the remainder of the construction phase services within mwh contractors. The network of asian-american organizations, naao, sent you a letter of endorsement on october 19, 2010, for the water treatment plant number 4 and jollyville transmission main projects. Afterthought full consideration, the organization supports the water treatment plant number 4 and the jollyville transmission line alignment as proposed by the staff recommendations. We took a vote of our 15 board members, and 12 voted in favor, three abstained. This jollyville transmission main will deliver adequate treated water necessary to support safety needs, new business and projected population growth for many years to come. As an organization, we see our world getting smaller as it gets more globally competitive. Our challenges in promoting our city as a national and even an international contender are growing every day. We hope to have an infrastructure in our community that can sustain that movement to austin. We are confident that we as the asian-american community in partnership with the city will bring more economic success to the city of austin with the additional treated water capacity added by water treatment plant 4 and transmitted through the jollyville transmission main. Thank you all. Have a good day.

[10:37:27]

>> Mayor Leffingwell: Thank you, erika. Next is john hart, and before you start, john, is earl hairston in the chamber? And christina ortiz. You have up to nine minutes.

>> I'm john horton, mayor, councilmembers. And I represent the austin board of realtors as chairman this year. And I represent over 8,000 realtors and members. And we have a very diverse group of people and opinions and so I can really appreciate the viewpoints on both sides of this issue. However, we believe that the city needs to take a proactive approach to growth and as realtors we are probably more aware than most about the real estate cycles, and we know as does anybody else here trying to sell a piece of real estate that it is a buyer's market. And whether it be for existing product or new construction, right now the city of austin is a buyer for new construction. And we think it's rare that we have the opportunity of having historic low interest rates and low cost of labor, materials at this point. And so we believe that the prudent thing to do would be to move forward with this project and we are here to speak in support of it. We appreciate the work that everybody has done and your leadership on this issue and whatever your decision is, we will support that as well. Thank you for your time.

>> Mayor Leffingwell: Thank you, john. Next is philip burks. And after philip on the other side will be tio gomez. Is tio in the chamber? Go ahead, sir.

>> Good morning, your honor, mayor and city council. It's my pleasure to be here and my honor to speak on behalf of mhw and in support of this project. I'll tell you a little bit about myself and why I think

it would be a great thing for the city of austin and this community. I've been supporting the small business community since 1987, first as a federal industrial security specialist helping small businesses get involved in the small business innovative research program, partnering with what was mcc. I also worked with the department of commerce as a procurement technical assistant program operator that helped federal contracting outreach for small businesses. And I helped the local city minority community mentor protege initiative when it first began, and I also was with a city organization called a city for women business enterprise where i was one of the business consultants helping small businesses. I worked as a hub coordinator with the university of texas system, and I served proudly many times with the austin asian chamber of commerce, the hispanic contractors association, worked with the african-american chamber of commerce and also the national women association in construction. Lately I worked as the d.b.e. Program manager on the SH 130 project where it had the effect of building a lot of economy and a lot of jobs in this particular area. We were able to spend at least \$300 million with local firms, 100 million of that was minority and women owned businesses that was certified. That created more than 1,000 jobs over the three-year period. And that money stayed locally. It didn't go out to other countries or other states and cities. The way we were able to do that is breaking up contracts into smaller places, smaller scopes of work which allow the businesses to bid and bind the contracts. And to be awarded the contracts. MHW is applying the same process of doing that. And they have the same philosophy of getting local businesses on to the project and working it and keep that money in the austin community area. Know of three companies that have gone under because there's not enough work. One thing about small businesses that drives this --

[10:42:23]

[buzzer sounding] -- hope helps them go and this would be a lot of hope for the small business community.

>> Mayor Leffingwell: Thank you.

>> Thank you.

>> Mayor Leffingwell: Are you Tio Gomez? City manager, Tio Gomez, I am the owner of a minority business, I'm one of the subcontractors at water treatment plant 4. Historically our core business has been residential construction and some commercial development. After the downturn a few years back, we had to make a decision to diversify. It's projects like water treatment plant 4 that were able to allow us to stay in business, quite frankly. And not only residential contractors like myself but also all of the subcontractors that work for us have been able -- have been given the opportunity to continue to work. That is one of the reasons that we are here in support of water treatment plant number 4, and we appreciate the leadership and the opportunity. Thank you for the time.

>> Mayor Leffingwell: Thank you. And after Amelia will be Gary Hampton on this side.

>> Good morning, Mayor, Mayor pro tem, Councilmembers. City manager. My name is Amelia Lopez, I'm here on behalf of the Greater Austin Hispanic Chamber of Commerce as a board member and we had a message we would like to read into the record. We are here today to encourage the city to move forward with water treatment plant 4 and to approve both contracts. Today's action would approve the construction dollars to help the city save time and money in delivering this much needed project to the region. As many people said before with today's economy, the construction costs and material costs available today give us big advantage. This will provide a different source to our current two facilities which are over 40 years old which draw from Lake Austin. You've had much extensive research, design and planning developing this cost effective and environmentally sensitive responsible project that creates the least amount of impact to the stakeholders in this area. As a result of all of this, this project and the need that Austin has is also provided positive impact for the locally owned businesses including the women owned and minority owned businesses. Securing this water resource is critical to the

economic development and attracting companies to austin and, of course, it encourages development in the desired development zone. Which is something that we hear practically weekly especially during the new development or zoning case as you know. What we're asking mayor and council today respectfully is that you vote yes today to move forward on the two contracts associated with later treatment plant 4. -- Water treatment plant 4. Our chamber and our board members and members have always appreciated the support that the council, previous councils and this council have given to the local business community, to the local minority businesses and the women businesses. And we're here to support you in any way we can and would appreciate your support. Thank you.

[10:45:52]

>> Mayor Leffingwell: Thank you. Gary hampton. After gary will be richard -- excuse me, after gary will be patrick flynn.

>> Mayor, council, manager, my name is gary hampton. of keystone construction, an austin based locally owned construction company that specializes in contract or constructing water and wastewater treatment plants. I'm also on the board of directors for the austin contractors and engineers association. And I have also served on the board and chairman of the road committee for our subdivision. Our subdivision is located on the shores of lake travis. I've been asked numerous times by neighbors and friends who say you love lake travis, what do you think about water plant 4? And I tell them, I said city of austin is going to take water out of the lower colorado river authority, it doesn't really matter where it comes out, it's going to come out of the lower colorado river authority. I've been told by the lcra that the intake on lake travis will have little or no impact on their management decision on lake travis. Their management of the levels, and that's what most people are concerned about, has mainly been driven by flood control issues and the massive amount of water that goes downstream to the agricultural use and to eco systems downstream. I did point out that there are numerous advantages to building the water plant 4 on lake travis. It's got cleaner water, higher elevation. It helps with power usage, so it's kind of a green plant, if you would, compared to putting it somewhere else. I had some environmental friends ask me that they feel like the money should be spent on educating the public on conservatism. And I think lcra and the city of austin is already trying to spend money trying to educate the public to conserve water. Maybe the city just needs to raise the water rates. That will drive down the demand on water and they could take that extra revenue and put it back into the community on projects and maybe bring up the hiring of local contractors and push money into the economy. So what I really want to talk about is the impact the construction of water plant 4 will have on the contracting community and the local economy. I've been told by city staff and the construction manager mwh they intend to solicit and contract local construction firms including small and minority firms to construct water plant 4. This would be a huge boost for the local contracting community in a very hard economic time. It could potentially save hundreds of construction jobs and inject a large amount of money into the local economy.

[10:49:05]

[Buzzer sounding] the prices are really low now. You get a bigger bang for the buck. I'm for water plant 4 and I hope you are too.

>> Mayor Leffingwell: Thank you, gary. And patrick flynn.

>> Thank you, mayor, council. Patrick flynn representing the austin chamber of commerce. I'm a contractor. I'm an engineer by background. In evaluating the current plants that are in austin, they've all pretty much hit their life cycle. They are obsolete. Building water treatment plant number 4 is going to allow more effective plant to put in place with current infrastructure and technology. The city has already made a very substantial investment in water treatment plant number 4 and it would be the best

governance to follow through to completion on the project. I urge you all to vote for water treatment plant number 4. Thank you.

>> Mayor Leffingwell: Thank you. Those are all the speakers that we have signed up for and wish to speak. But also signed up for and not wishing to speak are ashley kagly, john whitehead, aly putnam, lynn frank, rhonda toming, laura buerlin. Dean good degrees knight, sherman mitchell -- no, michelle sherwin. Leno rivera, kent collins, benjamin bar net, michelle murphy, frank heron, brandi guthrie and paul shall donna. All the following speakers are up in opposition. We'll begin with richard pope. Richard pope. Following richard will be philip kay. If you want to get ready on the other side.

>>> Good morning. Richard pope. I work in the industry in austin for one of the large multinational companies. I'm a global manufacturing and supply chain manager. I'm an expert at cost reductions, capacity increases and quality improvements. Recently I was invited here by one of the members of council to get involved in water treatment plant number 4 project. So I haven't seen any data about this project in terms of why this project is -- is required. So the other night after mazaro a couple of times, I offered to him my expertise to see if we can drive improvements in the city of austin system. Still having not seen any data, I was told the other night leaving the water and wastewater meeting it was to website. So I went and looked. Lo and behold the data is right there in front of me. For quite a number of years showing here on the screen. This data is the peak capacity usage of actual data for city of austin since 1985. That's the green line. The red line is our current treatment capacity without water treatment plant number 4. And the blue line is the storage and the treatment capacity combined. So you can see on the data that we're about a factor of 2 in reality away from using our total capacity that we have right now at the present time. It's quite concerning to me as an industry person that we are -- that we are so far away. In addition to this, I got a rather large water bill in the month of october. So I went out and did a little research over the last few days on water bills. What's showing here is an average bill for family of four study that was done april 26th of this year. And it shows that austin is one of the 7th most expensive cities of the 30 cities studied in this particular program. I did a little further research and I found that my water bill had I been in 49 times higher than that for austin. 44 Times higher than cedar park. That is quite concerning to me as an industry person, quite concerning as a resident. Why is our water bill so expensive today. We're going to add more cost when we don't need the capacity. We need to look hard at the utilization of assets that we have now. How can we drive forward. I'm concerned about the lack of planning we have on water treatment plant number 4. The speed of the implementation, that we don't have the plans done, we're barreling ahead, we don't need the capacity, we can't afford any more costs. I think that this council needs to not approve --

[10:54:36]

[buzzer sounding] -- the \$300 million. Retain control of the g.n.b. One by one. Thank you.

[Applause]

>> Mayor Leffingwell: Thank you. Philip kay. Philip kay in the chamber? Carol atkins. You are signed up donating time to philip kay and he's not here. Do you want to speak? Okay. Eric deal. All right. Eric is coming up. Sharon blythe is in the chamber, I believe. And jan mormon. Is jan here? Not here. Not in the chamber. You have a total of -- wait a minute. Got some more folks. Ira perkins. All right. Karen roberts. You have a total of 12 minutes if you need it.

>> Carol, could I use your time? I doubt I will need all 15, but just in case.

>> Mayor Leffingwell: 15 minutes.

>> Thank you, mayor and councilmembers. First I'd like to -- I found it very interesting that everybody here is speaking for it is either a developer, contractor or somebody who has somebody to benefit from

building the water treatment plant. I would also like to say I'm not against development. I know austin is going to grow and we're going to need to develop. I am for accountability and i think austin water utilities and the city council in particular is not being accountable to the residents of austin. So anyway, let's jump right into this. I'd like to say why the rush. Why are we pushing this right now. All of a sudden last week it's been thrown to wastewater schedule and now in front of council to approve the entire amount. What's the rush? The water, wastewater commission voted 5-1 against putting it on the agenda today. Continually ask for more information from austin water utilities on the project. Get the plans done, get the environmental studies done before we move forward. Second, I'd like the talk about the water is not needed by 2014. Water treatment plant 4 has been pushed because we need to address peak use. That's all it addresses. It does not address the other 364 days a year. A peak use this near is 193 million gallons a day. Our capacity is 285 million. We are far from our capacity. And the trend has actually been down the past few years. In fact, peak use is very easily addressed with watering restrictions. If went to a once a week watering, peak use would be cut and distributed across the days of the week and there would not be an issue. Furthermore, austin water utility and -- did a study and one of the top rated programs in that study, according to the residents who took the survey, was the watering restriction. The very top one. Above the toilet rebates and all the other rebates. Next slide, please. So we don't need the water. Per capita water use is falling faster than population growth. The chart on the left is from austin water utilities, a presentation done early in the summer. You can see the line is heading downwards. On the right is just a peak usage per capita. Again, it's going down and falling faster than -- than the growth in austin. And in fact, if you used austin demographic information and assumed we stabilized at 240,000 gallons a day, we're good until 2040 before we need additional treatment capacity. Long term the only solution is conservation. I continually hear that austin doubles every 20 years. I don't believe that. The chamber of commerce has a 3% growth rate on their website. That's every 30 years. 30 Years is historicry what's happened atoward to austin demographic information and if it doubles before that we run out of water with lcra anyway. There needs to be real conservation leadership and we need to be following san antonio's lead and put conservation ahead of spending on treatment plants and capacity. Awu has a horrible track record of managing projects on budget. A project to fix all the water wastewater things, I know it needs to be done but the original budget was in the \$200 million range and ended up being \$495 million. What makes us think they were going to manage a \$500 million project and come in a budget. These programs are for if benefit of developers and not for the austin resident. Austin residents a simply paying for stuff a developer should be doing themselves. Now let's look at austin water utility finances. \$50 Million revenue shortfall this year. The chart on the right, it's hard to see up front, but basically it shows how austin water is budgeting for next year. The first bar is what anticipated revenues will be. The bar in the middle is actual revenues. That was estimated as of may. The bar on the right is what they've put in the 2011 budget. The way they got there is took the 2010 number, said we 4 decrease and increase the water rate 6.4%. That will generate \$17 million more and we expect to have 430 roughly million dollars in income. It kind of ignores the fact that this year we were nowhere close. I also find it's very interesting austin water utility loves to blame the weather for everything. It seems like nobody wants to be accountable for you know what, maybe there's some other things going on hee as well. Certainly weather was probably a portion of this. I don't think enough has been looked into as far as the conservation side of it, and also the rate driven demand decreases. As the rates go up, people are using less water. I don't know how many people here looked at their water bills this past summer and were shocked by it. Me that happened a couple years ago. I used to be a 25,000-gallon a summer month user. I looked at that said that's unsustainable and my highest water usage this year is 9200 gallons. Middle of august. I also find it very interesting that for water -- for projecting water use, austin water utility is extremely conservative. We will run out of water in 2014. That's a joke. The really interesting thing is they are ultra liberal with financing. I'm going to get into that in a minute. I'd like to say look at this revenue gap and I want the city council and austin water utility to answer whether they are really comfortable betting this was solely due to the weather. I'll comment the wastewater losses this year were \$13 million. That's people not using water in the middle of winter. That's not watering grass, that's overall. Let's look at the awu bond ratings. This came out november 8. I have a feeling the new bond rating has pushed the date for this agenda on the item as well. I would like to read this. High depth levels meet system's financial pam answer below average for rating category. 3 unaudited and below the targeted levels of 1.55. Revenues were down 31 million, 8% from 2009 and corresponding expenditure reductions not possible due to high level of fixed debt service costs. Also mentioned the 31

million from last year's revenue, the 50 million from the projected budget. Let's look at what Fitch said here. We're going to rate them AA minus even though they are the bottom of the barrel on the double A minus. They are highly leveraged, \$2 billion in debt. Revenues are down. Lax credit ratings and overleveraging of debt. Does this sound similar to the credit crisis? The credit rating companies not properly valuing mortgage securities and everybody getting burned especially consumers in the end. I'd like to continue. The water and wastewater system expects to issue \$890 million of debt over the next five years to fund the treatment plant and other water wastewater capital needs based on the plan to finance 70% of this capital improvement plan. This will add to the system's high debt level which is equal to \$4,938 per customer. This is new debt present day. Favorably Austin's water and wastewater retail rates are competitive for the state. Thank you, Rick, showing us we're not competitive for the state, already the highest in the state. And as such provides financial head room to sustain the higher level. Fitch will be monitoring the proposed rate increases to adequately strengthen financial metrics going forward. Austin water is going to issue 45% more debt by 2015. This goes beyond the treatment plant which is about half of this. That's just to reiterate almost \$5,000 in new debt per customer. The current debt level \$95 per customer. Austin's rates are already among the highest in the state and increase 35% guaranteed. That's what we predicted. I say it will be much higher, probably 50%. Fitch is saying the only reason they are going to approve this is because they know that the water rates can be raised indefinitely because Austin water is a monopoly. I'd also like to look at some of these debt coverage numbers. Basically do you have enough income to support the revenue. These ratios appear to be incorrect. I would like to talk about an accountant. The August ratio based on the information is 1.32. \$340 Million for revenue, \$150 million operating expenses, \$143 million in debts of 1.32. Year end names aren't available. Looks like it's going to be lower based on the May estimate 1.28. 5 and the bonds require 1.25. That's getting awfully close. Let's look and see what happens for future revenue. By 2015 Austin water projects a 44% revenue increase. 35% on -- is rate increases. That's what Austin water said. I'm assuming another 10% comes from population growth which is in line with 2% that's been proposed for the next four to five years. But it doesn't do anything to account for conservation. The interesting thing is the debt service listed from the enterprise forecast increase of 32% but we have 45% more debt. I'm not sure how the numbers work out there. This requires -- what happens when pricing drives down demand for the water. Well, let's see. So conservation combined with tiered water rates it's a volatile mix. Basically people start conserving and when they start conserving they quit watering their lawn. \$10 Per thousand gallons. People start cutting back on that, that's a lot of revenue that ends up get lost. That's not the cheap water. Increased prices are going to drive conservation. People are getting sick of paying the high water rates. It takes a couple years to make landscaping changes but it's happening right now. Debt is a multiplier. The rates have already increased 50% since 2005 and Austin water utility customers are responding. I am really interested to see what the revenue numbers are for the coming year. Awu has already stated the lower tiers, up to 9,000 gallons, cannot support. It's interesting because they are also in charge of water conservation. There's a conflict of interest. They can't have too much conservation or else they are going to be out of money.

[Applause] let me ask you this. If you were vesting in the stock market would you invest in Awu? If this company had 20% -- sold 20% less product in 2010, they lost \$50 million and it's highly leveraged and wants to spend more, factories running at 50% capacity, they want to build additional capacity, would you invest in accompanying like that? I don't think so. But city council and Austin water utility wants to spend \$5,000 per customer and invest it for you and charge you that for the next 30 years. Why the rush? Perhaps it's because Awu and the city council wants to lock in financing for the rating agencies and Austin residents figure out what's going on and before Austin water utility releases year end results. Thank you very much.

[Cheers and applause]

>> Mayor Leffingwell: Next speaker is Jeff Jacks. Following Jeff will be Bill Bunch.

>> Good morning, Mayor and Council. I'm Jeff Jack. Sometimes in life two disparate things come together. This hearing this morning was preceded by me receiving something from a contract their just finished building a bank project for me in Bastrop. You can imagine the contractors may be is a little

conservative, what he sent me was a copy of the declaration of independence -- declaration of independence and the constitution. Most of us read part of this as high school students or college students, but I don't think we all read all of it. We know these things that are very much in the forefront of people's minds about the declaration and I'll quote, we hold these truths to be self-evident all men are created equal and endowed certain inalienable rights, life, liberty and the pursuit of happiness. Behind that are a list of grievances about the king of England why the colonies were separating and I want to read one of them. For imposing taxes on us without our consent.

[Applause] make no mistake, the issue about rate hikes and our utility is not about rate hikes, it's about taxes. The gentleman that was preceding mentioned \$5,000 of additional debt for every ratepayer in the city. We may find that there's some benefits to the development community, the people who sell homes, people who develop land and the contractors that work for the construction of the plant, the minority contractors. But when you look at what's happening, this is a transfer of wealth. From the lower and middle income people of our city, their lives are going to be more negatively impacted than the benefits that a few are going to derive from this. This declaration of independence also contains that when any form of government is destructed organizing such powers and form to shall most likely to effect the safety and happiness of the people. As we have seen on the national level two years ago, the people of America said we've had it with government, let's bring in change and hope. Two years later the pendulum swings another direction as we saw in the November elections. Whether it's the federal level or state level or local level, change is coming. We may not see that change in our local political scene this election cycle or next year's election cycle, but if we continue on the road that we're going, ignoring --

[buzzer sounding] -- the voice of the people will there be change. And the legacy of the vote today will be like the legacy of previous councils that built --

>> Mayor Leffingwell: Jeff, that's your time. Thank you.

>> Think about your legacy.

[Applause]

>> Mayor Leffingwell: Bill bunch.

>> Mayor, I have a simple question and I think it was Eric Deal. There was a presentation that Deal, and you echoed and I'd like a copy of that. So we can look at it.

>> Thank you.

>> Mayor Leffingwell: Jill Carpenter. Is Jill in the chamber? All right. Jean Mather. Jean. Colin Clark? And Tom Hays? So Bill, you have up to 15 minutes.

>> Thank you, Mayor, Bill Bunch on behalf of Save Our Springs. Speaking against this proposal, and I think it's critical to state what the proposal is, the water utility in an unprecedented request is asking to you take the rest of water treatment plant 4 up to an additional \$300 million behind closed doors to cut off all future review by your citizen board -- watchdog boards and commissions by this council and by the public. And their argument for doing that is that it's going to save money. I think one of the first rules of government is that sunlight is the greatest disinfectant. When you hide the big projects behind closed doors, the budgets and expenditures go up. Fraud, waste and abuse goes up. It doesn't go down. Environmental damage goes up. Accountability to ratepayers, including low-income ratepayers, goes up. This is why your water and wastewater commission voted against this. They are usually a rubber stamp for staff proposals. Week in and week out they rubber stamp staff proposals. And they said no, we're not going to vote to tear up our charter and throw it in the trash can and give up public oversight over what Mazaros has said is the most -- is a once in a generation project. The most important project the utility has undertaken for decades. And that's true. And what this is really and TRULY IS A 1970s

SOLUTION TO A 2010 problem. The world has changed since this project was laid out. Unfortunately the bureaucratic inertia has only regenerated itself in the form of gross pork barrel politics, contractors, the biggest ones out of state, were the real design work, the real money is all being done outside of austin. Want their money. That's what it boils down to. And they are ready to bank roll some re-election campaigns to get it. That is sad. Misleading statements from people who should know better, terry mitchell on behalf of the chamber, patrick flynn on behalf of the chamis shameful. This is regressing back to the '80s WHEN THE CHAMBER SAID That protecting our environment was bad foe economy.

[One moment, please, for change in captioners]

>> we don't need additional treatment capacity before 2025, and it certainly doesn't take a business degree from harvard or anywhere else to say in one breath we're going to commit a billion dollars to expanding our ability to sell water at the same time we're committed to reducing our water sales over the next decades. If there's an answer to that question, I'd really love to hear it. I think the community deserves it. flynn said we have two water treatment plants that are at the end of their life cycle and are obsolete. That is false. We just spent a bunch of money adding 67 mgd capacity to ulrich. They're about 50 years old. lazaro at the commission said these have 100-year lifetimes. Most plants get renewed forever and actually have hundreds of years of life lines. There's not a shred of evidence anywhere. If you look at our peer cities that says we need three plants or four plants. There's plenty of other cities that get by just fine on two. The utilities' own risk assessment does not anywhere say there's a shred of risk from operating on two plans. -- Plants. mitchell says we need water. Of course we do. Of course we do. But isn't that a red herring? This plant won't make water. It won't make it rain. It won't fill up lake travis. Instead it will saddle us to a course of waste for 20 years where we suck that water down faster and steal the money that we should be investing in conservation and reclamation that would actually give us a secure economy, give us a water-efficient economy. If you're for growth, if you're for economic growth, you should be against this plant, because what you're betting on today, if you're in favor, is a guaranteed four or more years of 20 to 50% rate hikes when we're already the most expensive water utility in texas after the last round of rate hikes, which was the 7th year in a row of rate hikes. When we charge people that much money, both residents and businesses, that's not competitive. That's not good for business. That slows down our growth. That hurts our economic health. And if the chamber and rica would actually have the decency to sit down with a unified environmental and neighborhood community and talk about this and actually look at the facts and figures and care about more than the handful of contractors that are going to get the money, then I'm sure they would actually agree with it. There was a lot of talk about how great this was for minority business enterprises. I was at the water and wastewater commission. I didn't get the facts and figures, but the discussion was very clear that actually we're way behind on minority business participation, and they're given an unreliable promise that they're going to catch up and actually surpass the goals, when all the evidence today is they're way behind. There's no information in your backup. The 22 million you hear today, I didn't see a shred of information actually saying here's our mbe participation to date. Where is that? I don't see it. In your fiscal note it says you're going to spend 300 million and you're going to get these things, including the forest ridge transmission main. lazaro at the water and wastewater commission said the guaranteed price of 359, that includes the remaining 300 on the agenda today, doesn't guarantee getting the forest ridge transmission main, because the jollyville is going up. The budget is going up. They're still hiding -- they're still hiding how much this plant is actually going to cost. Is that good business sense? Does our board of directors of the water utility just hand over this project to take it into the back rooms with this track record? Can the water utility dispute a single one of the eric deals' presentation? Could we ask that question? Did he say a single thing that wasn't true? There's no hurry, and it is -- it's wrong to strap these kind of rate increases year after year, 12 to 15 years in a row on to our rate payers when there's no need for it. And once you jump off this debt cliff you can't come back. Every incentive for conservation goes out the window. And then my last point, terry mitchell said, you know, this is in the desired development zone. We're staying away from environmentally sensitive areas. Terry, that's shameful. We're building this plant in the middle of endangered species with a serious threat of ruining the crown jewel of our nature preserve system that we've been working on for 20 years plus to protect. Does that make any sense at all? I know you folks. I know you. Each one of you is smart enough to grasp these points and to know that what the communit saying is true. It's time to step back and fix it before it is too late. Because you're

not going to be able to run from this decision the next 10 or 15 years. That debt, those rate increases you're voting for, that environmental destruction, it's going to show itself more and more. I hope you'll think about it.

[Applause] next is chris leeman. Chris, you have three minutes.

>> Thank you very much, and again, thank you for your service to the community. I am chris layman, chairman of the austin regional group of the sierra club, and i want to start out to clear up any confusion about the sierra club and water rates. We appreciate the fact and have recognized austin water utilities' rate structure as being progressive and recognizing the value of water. We do, however, have to rise up to express concern about waste be incorporated in that rate structure. We're very concerned that you can spend more and actually lower the value of your property, in this case the value of this community economically. We're going to ask people to pay for something we don't need. We've seen very good examples of why that's true. I would like to go a little further and suggest that we appreciate -- I appreciate the value of not just pricing the water properly but also recognizing the infrastructure, the services provided by austin water utility, and recognizing that it is an enterprise fund -- as an enterprise fund I think that we ought to try to recognize their efforts to save the community money and use entrepreneurial tools like bonuses and compensation directly related to how much they can save us, because i do believe that while there are -- that our limitation on water is actually the water supply, not the treatment capacity. We've already been through rationing, and yet -- and so we're not going to be able to sell more water as apparently we've already entered a new drought. We don't know how long it will last or how steep it will be. The current vote you've got in front of you, the current item, is really just a question of whether you want to shut down public input on the rest of it, and i certainly value your time. I understand the issue there, but we've benefited at several stages in this project so far by continuing to engage the public. There are risks associated with this project to cut it loose and then find that there are problems because of studies that are not yet complete is to risk wasting yet again money on a phase or an aspect of this project that will end up being wasted because we have to change. I really appreciate your time -- oh, one more thing. We closed the green plant and it was I think over 80 years old. So there's not a great mystery as to how long we can make a plant last. These are 50 years old. So it looks like we're at least 30 years, if not longer, before we absolutely have to replace them.

[Applause] paul robbins and is pam thompson here in paul, you have six minutes.

>> Council, we are gathered here today because the austin water utility wants you to give them carte blanche approval for the most expensive infrastructure project in a generation. There are two main reasons why you should not grant it. One, because you have not scrutinized the contract language that this expenditure will be secured with, and two, because past actions of the utility show they're not at this point worthy of competence. To speak to the issue of contract language I remind you of austin's faithful contract with the south texas nuclear project. This poorly written document provided the city with all the legal protection of swiss cheese. The city signed a hell or high water contract obligating the city to pay for whatever cost overruns the irresponsible project management sought it to charge. The overruns eventually ran 460% over budget and the project was eight years behind schedule. Council, where is your due diligence in making sure this construction is well-managed? There is no announced intent on your part to review and approve the contract language. It is not exactly a secret that this project was approved by a narrow 4-3 council margin. Will the contract be council-proofed? With onerous penalties for the council changes its mind? Will these onerous penalties weaken the city's ability to legally protect itself if cost overruns, construction negligence and environmental damage occur? To speak to the issue of the water utilities record, I am not exactly brimming with confidence. Austin water utility has started construction in engineering without running the environmental tests to prove the plant site and tunnel sites are suitable. If austin had not already lost the previous site to geologic unsuitable, this breach of judgment might be more understandable. The utility cannot even tell us when the environmental studies for these sites will be completed. The utility is not completely sure what this amount of money will really pay for. Wouldn't it be responsible to know before you voted? The utility wanted to pollute bull creek with as much as 8,600 barrels a day of muck water, austin's own bp -- mini-bp oil spill. The utility has been incredibly abusive to the neighborhoods surrendering the site, misinforming them or not informing them

about information directly relevant to their daily lives and in some cases long-term health. The utility hired unqualified staff to supervise its water conservation program in 2008, who proceeded to wreck a nationally known effort. The utility is in the process of adapting a culture of secrecy. I know that in my own information request on the state of the utilities water conservation efforts, I've waited as long as two months and then been told that they have no information responsive to the request. The utility has used demagog demagogery to get austinites to support this plant by stating the existing water treatment plants are vulnerable to terrorism. Hey, maybe austin should invade iraq in a preemptive strike?

[Applause] council, the water wastewater commission rejected this proposed lump-sum contract even though they are supportive of the plant itself. They did it on the grounds of fiscal responsibility. It may seem onerous for you to continue to approve smaller contracts piecemeal, but prudent fiscal management is your job. It is what you signed up for. Thank you.

[Applause] next is roy whaley. Is debbie russell in the chamber? Yes. You have to six minutes.

>> I'll probably go over.

[Laughter] howdy you-all. My name is roy whaley. I serve as vice chair of the austin sierra club, and i want to speak just directly to gnat whether or not we need wtp4. You know sierra club doesn't think we do. What I want to talk about today is authorizing a lump-sum payment here. I'm not asking anyone on the dais to change their vote on wtp4, but vote the way that you would vote on your own budget. We have been told at every turn, because of citizen involvement and oversight from the boards and commissions, that this project has been improved, and this would take that out of the equation. That would remove the potential for greater improvement to the project. Let's see. Now then -- oh, I also forgot to mention, I'm the vice chair of the austin sierra club but I'm also a member of the austin board of realtors, so not every member of that is in favor of this. So what I would like to look at is the fact that you have three different advisory commissions and boards -- three different boards or commissions have either advised against this or asked for more information. In fact, I was watching a council member meeting a while back where council member morrison directly mazaros for information three different times and he never truly answered the question, and I'm thinking that possibly greg could get a guest star role with bristol palin on dancing with the stars, because he danced all the way around that question. So we do -- we have a situation where we don't have information coming in from where we should have this information, and it continues to be stone walled. mazaros -- and I'm not picking on greg. I like greg, actually, but mazaros referenced at water and wastewater the fact that this was not unprecedented, that we have put three different projects out with lump sums, but those were projects that had very few questions remaining on them. They had been discussed. There was opposition to them, and, in fact, the one I'm thinking about in particular is the solar farm, which had a lot of opposition from the business community, the same folks that are here today opposing this -- or supporting this were opposing that at the time. Another thing about those three projects, each and every one of them had to do with renewable energy. It had to do with renewability. It doesn't matter how many people move to austin, texas, it's not going to make the sun stop shining. It doesn't matter how many people move to austin, texas, the wind is not going to stop blowing in west texas. However, it is going to directly impact the resource of water. It is going to continue to shrink an already shrinking supply, and so we need to find new ways, and I've said it before, new solutions, 21st century solutions, to a 21st century problem instead of trying to apply old solutions to a problem that we're facing now. But mainly I do want to talk about the fact that you can continue to vote against wtp4 even if you oppose this today. You get a chance to say no every time it comes up, unless you get new information, unless you get a new perspective, and you need to leave yourself that opportunity to continue to be open-minded and to look at the changes. One thing about it is building it is one thing, treating the water is one thing, getting it to the consumer is a completely different thing because the site for the transmission lines has not been fully vetted. We have not finished the environmental studies. The federal government will be involved in this as well as the county and the city, and there is ongoing action questioning the viability of that as a route, and then you have to look at how do we even get the water here. Like I say, everyone has said this has been improved at every turn. It's because you've got the boards and commissions that you appointed to advise you weighing in on it and you've got citizens taking time out of their day and their

lives to watch this and advise you, so I would ask you let's continue to do business as usual in the best sense of that phrase. And that's with the continued oversight. In regards to the minority businesses, there's just as much money that will go into infrastructure for conservation as there is for a project treating water that we don't really need. So the money is there for minority businesses. I sympathize with everybody on the other side of this issue. Everybody I can look at their position and sympathize with them. This is one I absolutely sympathize with, and there is a solution. The thing is, there is a solution to everything that's been brought up on this project, and we have to find it, and by saying no today, that gives us an opportunity to continue to do so. Okay. I've got -- --

>> I've got like 18 more minutes. All right. I appreciate your -- on another day, roy.

>> I appreciate it. Do the right thing. thank you.

[Applause] pat broadneck?

>> [Inaudible] oh, you did. Okay. Ri trevino -- did he donate time? Okay. Those are all the speakers we have. We also have signed up -- kevin olson is signed up neutral and not wishing to speak. All the following -- all the following are signed up against and not wishing to speak. Ted mormon, patty sargusa, simon goty, stephan ray and andrew hawkins. So those are all the folks we have signed up to speak, and as I announced earlier, although we covered in the public comment period items 4, 5, 23 and 24, we were going to take up those items separately, so I'll entertain a motion first on item 24. Mayor pro tem.

>> Martinez: thanks, mayor. I don't want to belabor it any more. Obviously my position on the water treatment plant 4 has been made known for some time. We have been discussing this for several years. In fact, since my very second meeting on the city council, there was an agenda item relating to water treatment plant 4, and it continues today. Through that time I have come to the point where I do support the project, I do believe it's important for austin, but I do also understand all the concerns that have been raised in the years that we've been discussing this, and by approving this item today i don't believe it forgoes those concerns, whether they're related to the environment or the impact on the neighborhoods or any impact on the project itself. I believe that there will still be a public input process. We as a council still will retain the ability and the right to stop the project, if necessary, but I will be making a motion to approve the item, mayor. and again, council, this is item 4, which is the amended amendment at a guaranteed maximum price of 22 million. And I will second that motion. Is there any discussion on that? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no?

>> No. passes on a vote of 4-3 with council members riley, morrison and spelman voting no. And now we'll go to item no. 5, Which is to approve the funding of the appropriation remaining in the entire plant. Mayor pro tem? make that same motion with the same comments. motion to approve by the mayor pro tem.

>> Cole: second. second by council member cole. Council member cole, did you want to -- yes, I have some questions. First I want to ask rudy garcia as, greg meszaros and leslie to the podium. And before I start this line of questions, I want to start with the city manager because a few weeks ago we discussed sort of how we lay out contracts and what the rules were and how we could think about laying this one out and transparency, and those types of issues, and so my bottom line question ott is at this time do you know of any adverse financial or legal implication on the city related to our approval of this item?

>> Council member, I do not. You know, those questions have been raised over the past several weeks, more recently as you've indicated with you and discussions staff has had with various members of the council, and so we've attempted to ask those questions with respect to any legal issues. Of course

those have been vetted with the city attorney's office, and I am not aware of any legal problems with the recommendations that are before you today in regard to treatment plant 4. So I am fully comfortable, and of course -- you know, all of these matters appear on the agenda, not just these, are the city manager's recommendation, and I am fully comfortable and confident in the recommendations that are before you in regard to treatment plant 4.

>> Cole: thank you. garza, will you come forward? I have two principal concerns, which I've had from the very beginning of this project, but I especially had once this item showed up on the agenda, even though I had been asking questions about it, and one is oversight, and two is legalities. So let's start with oversight. What other site do we have in place if we were to approve this item in full?

>> Council member, there is several layers of oversight, but let me focus on the primary ones. First, because it's been so important to this project from the very beginning from the environmental standpoint, from the environmental standpoint we have environmental commissioning process, we have a consultant independent of montgomery watson providing the oversight. We have a staff person, chuck lesniak, his function is the environmental commissioning agent, does not report to water utilities, does not report to montgomery watson. In fact, does not report to me. He works for a different assistant city manager. He provides a different independent oversight as well as working with intera to provide environmental commission oversight for the project. what kind of linkage exists between him and you? Does he give a report? Is that public? Is that on-line? Is it accessible or -- lesniak is present at all discussions and meetings of the project team, so he's fully aware of all the activities that are going on. And, in fact, I failed to mention there's also an environmental compliance manager that is part of the project team, and she works with us to ensure that we're compliant with all the environmental -- lesniak to make sure we're compliant. He participates actively. He provides feedback to the team, the project team, to the consultants, including our contractor and then provides feedback to me, and then on a regular basis also updates his director and his assistant city manager on the progress of the project. So in addition to that oversight, we also have -- and I could not recall immediately but I do recall the majority of the council approved a contract for cdm to serve as the owner/adviser of this project. They provide a completely independent oversight of the budget, the schedule, the constructability of this project. They do not report to the austin water utility. In fact, they report directly to me. Their job is to look at all costs, look at budget, design, and they do provide feedback to the team, but ultimately they are independently responsible to ensure that cost and constructability issues are fully vetted, and the process typically works out the owner/adviser will provide feedback to our contractor, to our project team, and if they are unable to work out or reconcile any differences, then those are the types of discussions that I would engage in and ultimately make a decision. So they provide a completely independent oversight for the budget and schedule -- so when you say they provide an oversight, is that a written report that reflects some type of disagreement that is eventually -- I guess I'm assuming if the disagreement is worked out, then it's not as high, I mean, priority of an issue as if it's not. So what happens with that information?

>> I think it would be easier for me to give you a real-life example. Most recently when we were looking at one of the construction packages, cdm prepared a 200-page report on their assessment of cost and constructability issues. That report is shared with our contractor, with our project team, and work together to, again, determine what are the issues and differences. So they do provide written reports to the team and at times will share and participate in technical memorandums as they come forward. The other level of oversight and monitoring for the project is our inspection. We have an independent group of inspectors that make sure that the project is complying with all -- number one, being built as we designed it, that it meets and complies with all the city requirements and permits -- just all the requirements over all, so that inspection team is another level of oversight on the project.

>> Cole: okay. Let's talk to leslie, and I know that -- I think it was neil who had the report, and I know that you have prepared a report -- your office. Can we put that on the screen? The slides that you're about to see is basically a synopsis of the funding plan for water treatment plant no. 4. The first slide is a summary and then I'll walk you through a couple other slides that will give you a little bit more annual information. The funding plan for the project is a combination of cash, short-term debt and long-term

revenue bonds. You can see there that the utility is planning to transfer to the cip program cash of about \$100 million overall across the term of the project, debt would be issued as a combination of short-term/long-term, as i mentioned of about 400 for a total project cost of 508 million. On the cash contributions, those were consistent with our financial policies. We actually have some financial policies specific to the water utility that council has adopted that requires them to contribute at least 20% in cash to projects, and that serves to keep the interest rates down and the \$102 million here, approximately, is consistent with those policies. The water utility staff has broken down the projected rate increases and the average monthly residential customer bill impact now through 2016, so these are cumulative amounts here. The projected percentage rate increase is around 13% over that multi-year period, and the average bill impact is a cumulative increase of \$3.50 per month. A little bit more detailed information and we can certainly provide this to you in hard copy if you need it. This is just the spending plan for the plant spread off -- or spread out across the years that the project funds will be needed, and the debt will be phased over that period to try and mitigate any spiking in rate, but of course you can -- rates, but of course you can see there will be a couple of heavier spending years. And then this last slide is some of the detail year by year related to what was on the first slide, the impact on the percentage change between years on the rates and the cumulative compounding, you can see the 13% there and then you can actually look at what is happening from year to year. I believe the biggest annual rate increase is in 2013 at about 2.2%. Then down at the bottom of the slide again, this is the -- really what customers are most interested in, of course, the dollars, the additional dollars that they'll be paying. In 2014 it's a little over a dollar increase, and again, what the water utility has done here is attempted to segregate the cost associated with the water treatment plant itself. That's all I have. leslie, let me ask you a couple of more questions, because recently our bonding agencies were here, and mayor leffingwell and I met with them independently and independent bonding lawyers met with them, and as i recall we have three agencies. Can you, off the top of your head, tell us --

>> a little bit about that?

[Chuckle]

>> cole: what we did?

>> We do have three agencies in addition to fitch that was discussed on the previous presentation. We're also rated by standard & poor's and moody's. We are rated aa by all three agencies. We are rated aa by s & p and moody's, without the minus. So we are a solid aa there. And the ratings were reaffirmed. You'll hear from our financial adviser today. We actually have a bond sale 00, as the mayor announced earlier, and we had some good meetings with the agencies. They do recognize that from time to time, whether it be due to the weather, to the economy or other factors, that you can have a less than well-anticipated year, but what they really look to is the management team that's in place, the financial policies that are in place, the track record and really kind of that you have a plan for the future. So it's -- they look at a combination of things. And the ratings were reaffirmed this year. in those meetings i specifically remember the agencies asking about water treatment plant 4, and i also remember the comments that you made, together with the comments that the mayor and I made. Could you share that with my other colleagues that weren't there and the public in general.

>> David anders, the cfo of the water utility, essentially provided an update to the rating agencies on the project itself, as was greg meszaros, who was there as well. And they were pleased to see that there was a rate plan in place, that there was council backing for the project and that the water utility had really taken a long-range outlook for the water supply for austin. and as I recall, the issue was a solid recognition that when we embark upon an infrastructure project of this magnitude, it costs money, and we have to be as transparent about that as possible, and I think you've done that today, and they were glad that we were doing that and they were also pleased that this council, despite the fact that this vote was a 4-3 vote, passed the budget this year on all three readings one time.

>> As well as adopting all of the rate changes for the year.

>> And adopting all the rate changes and making -- and clearing up some discrepancies in the financial policies.

>> Uh-huh.

>> And so the overarching point of all that is that although today we might disagree about the timing of when or the necessity of this plant, we are all firmly committed to keeping the city on solid financial footing and that you don't intend to let us do otherwise.

>> Uh-huh. so with that, let me ask you to give quarterly reports on the financial status of water treatment plant 4 to the audit and finance committee, because i do not want to give the impression that if we approve this item that means that we are not monitoring it. And I don't know if everybody knows, but the audit and finance committee actually consists of five council members, so it's more than a quorum. The largest council member subcommittee that exists. Can you do that?

>> We'll be happy to do that. And we will work with the water utility financial and project staff to get that information for you.

>> Cole: okay. Now, I have one other question of greg and rudy. I'm not sure which -- i mean -- yeah, greg and rudy, which one could help us with this because I was very sensitive to the comments that were made about citizens' oversight and especially with respect to the water/wastewater commission and especially with respect to my commissioner. So [chuckle] that being said, I would like to get your feedback on giving quarterly reports on project status to the water/wastewater commission.

[11:57:11]

>> Thank you, council member, greg meszaros, austin water. We're actually going to do more than quarterly reports for our water/wastewater commission. At the suggestion of some of the commissioners, and actually commissioner mickey fishback in particular, we formulated a detailed monthly report for the commissioners that would provide a summary of the project. It will provide a summary and detailed analysis of mbe/wbe compliance plans and actual attainment. It will include individual sheets on each major project element that summarizes milestone received, change orders, construction progress pictures. So we're going to provide that, a detailed monthly report on a monthly basis, and then each quarter as we have been doing, we'll come to the commission, we'll have all staff available, all key project staff available, and give an overall briefing to the commission and answer any additional questions and go as deep as they would like to go on any particular aspect of the project. So that's our plan moving forward. and the full council will receive that recommendation from the citizen commission, like we always do; is that correct? Or any comments that we have will be available but -- i know they don't always do a recommendation.

>> We always post any material that we present to our commissions, even in nonvoting items such as briefings or monthly reports, we'll post all of that on the web site. If the commission has concerns and they want to have a resolution on a particular issue, beplant 4 or anything, they can pass those resolutions. We would pass those on to the full council as other boards and commissions do at times. So yes. well, let's -- and I'll see if the lead sponsor of this motion is okay with this, because I think i would like to get the direction that the quarterly reports with respect to the mwbe participation actually come to the mwbe committee, which mayor pro tem martinez and council member shade and I sit on. So I'm splitting this up, and then the quarterly reports that you actually give to the water/wastewater commission actually come before audit and finance relating to project status.

>> Understood.

>> Cole: is that okay? Mayor, I'm done. further comments? Council member morrison? I know we're

coming up to noontime and I'll probably have to stop and start after our break, but before noon I do -- I do see one person in the audience that was on the commission, and I would like to ask her to come up, because I would like to hear from a commissioner their own thoughts on why the reporting that's going to be done isn't adequate, and what else water and wastewater commission can add on top of just hearing reports and passing resolutions. So -- and just briefly, because as you see, we've got two minutes before we break.

>> Thanks, my name is sara foust. I'm on the water and wastewater commission. I'll start by saying that in october commissioner fishback and myself requested an item for consideration by the commission to receive monthly reports on water treatment plant 4, and that was supported by most of the other commissioners. I think that there was a general sense of a lack of information being provided, in the terms that there was major issues being reported in the newspaper, at other boards and commissions reviewing matters, being given presentations, and there was very little of that information being provided at all to the water and wastewater commission and people were concerned that they didn't really know what was going on, they weren't able to ask questions. They probably wanted to -- and a lot of times speak in favor of the project but didn't really know about what was going on. So the staff agreed to do the monthly reports. Last week we got the first monthly report. It had a lot of information about the contracts and pictures and mbe and wbe participation. I think in the future the plan is for that report to be presented as a briefing. I don't think we'll make a recommendation to council. That wouldn't be a voting item, is my understanding, so it would just be a briefing where we could ask questions. I'm not sure at all how public participation would weigh into that briefing, and I will say that the other thing about it was we got the report, you know, that night at the meeting, so it's obviously a little bit difficult to digest that all, but they did agree to put that on the internet and make it available. So that's where we started with the last month, just saying we really are not getting much information about this at all, and then when there's a contract request item then we get that contract information. So then when the request came in for the full funding, I can only speak to my reasons for opposing it, and I made a motion to continue the approvals in the incremental method that they've been going, and that was originally presented when the construction manager at risk process was approved. At that time it was presented that it would be incremental funding and there would be oversight of each of those contract packages. So my motion and what was approved was to continue that process but not to approve the accelerated funding. The reasons I thought that was a good procedure to continue with was, first, it was unclear what all was included in the \$299 million request. That night at the commission I asked questions about the forest ridge transmission main, if that was included. I was told that it hadn't been decided, and it seemed to me that it was originally presented as an important part of the whole project, and if it's not clear what all is included in the full price, then it's not clear when you're over budget and what you're getting for the money. And so I didn't think it was appropriate to approve an item where it wasn't clear everything that's in there. Now, I noticed today it does look like the forest ridge transmission main is included, so that's interesting to note. Previous to the other night I had no idea they were seriously considering not building it or not building it at this time, and that was only providing on questioning. My second reason is really just the fiscal responsibility nature of maintaining the options. If you think that we need the water treatment capacity and the water treatment service, I think, you know, in terms of fiscal responsibility, it's important to continue considering what the water revenue situation is, what the financing costs are. I mean, I know in austin we have, you know -- I hate to bring up bad times but for a long time we had the intel skeleton right there and I'm pretty sure intel decided at some point that they couldn't afford it or they didn't need it. And I just think that as a fiscal oversight body of the council, water, weight water commission, that's -- wastewater commission that's our role to evaluate was going on. My third thing is the public participation element. At the other speakers said there's been a lot of input starting with the change of the plant site that came with public input. While there is public process, I think the public will disengage because they won't have a real reason to participate. thank you very much, mayor. I appreciate that. Mayor, I know we have to break now but I'd like to is ask some more questions when we come back. we're not going to break right now. We're going to go ahead and see if we can finish this.

>> Morrison: oh, okay. That's fine. more questions? I do have more questions, then.

>> Mayor leffingwell: okay. rudy, this is probably for you and if you want to kick the questions to somebody else, that's fine. Certainly your prerogative. I guess I want to understand, you know, this is not about are we approving water treatment plant no. 4 or not. It's about approving the ability, as I understand it, for staff to just go forward with all the work packages without coming back to council. So what I want to know is, by grouping together all of these individual work packages in this vote now, what are the actual tangible differences to how and when the work will be done?

>> Well, certainly it allows us to have a much more flexible approach to negotiating the contract, to -- to identifying the -- working with the bidders. You know, the current process, which is inconsistent with the way we typically do our projects, adds about, at a minimum, two months to our time period. So the first tangible will be -- will get to the point of negotiating a contract sooner and consequently get to the point of moving ahead sooner. That will be the first tangible component of this. so you'll negotiate the contract, and then rather than having to wait for -- rather than having to wait for a water and wastewater commission meeting you can go ahead and execute the contract so you'll be saving. Is that the general --

>> that's correct.

>> Morrison: okay. One of the concerns I think that was raised and I know that I have is that things aren't all sorted out yet. We still have environmental studies to come in. Do you have the timeline for when the remaining environmental studies will be done?

>> In fact, I would -- that would probably be a better question to ask our environmental commissioning agent, mr. lezniak.

>> Good afternoon. My name is chuck lezniak, watershed protection department. The timeline on the environmental studies, i think when you talk about environmental studies, it's which environmental study? And environmental commissioning process itself is integrated -- intended to be integrated into every component of the project. I think that there's a misconception that there is some sort of overarching single environmental study for this project. There's not. It's -- every document that's produced for this project during design has gone through the environmental commissioning review process, independent of the water commission team or design utility and public works. There are specific environmental studies under way that we are either directing or closely involved with. There's a groundwater assessment that's under way for the jollyville transmission main. The current schedule for that is sometime in december. That report will be complete. A large amount of the data in that groundwater study is being incorporated into the design process today, but there will be a report out in december. There are environmental assessments that are required under our land development code specific to site plans that will be submitted to -- that are required for review and approval under our development code. Those environmental assessments are focused specifically on critical environmental features, critical water quality zones, transition zones, limited endangered species evaluation, limited geological evaluations, but they're not a broad, far-reaching environmental assessment like I think many people expect. So those are the primary environmental studies that are under way. But the environmental commissioning process itself is woven throughout the project and integrated into the entire project. so specifically, we have a groundwater assessment in december, and then is there also an environmental assessment for that same land, for the -- for the -- where the transmission main is going. Is.

>> There will be an environmental assessment, when the site plan for the transmission main is submitted to the city for review and submittal.

>> And the site plan for the treatment plant itself?

>> Yes, that's been -- there have been multiple side plans associated with the treatment plant, the pump station and the raw water intake, and that's reviewed by the planning department as part of their normal process, but it's also reviewed by the environmental commissioning process, and we see the -- from a

review standpoint, the minimum regulatory standards that our local codes require, environmental codes require, is just a starting point. That's a minimum standard, and typically environmental commissioning requirements often go well beyond that. and I guess -- I don't know if this is for rudy or you, but the concern that that raises is, of course we have environmental studies, so that we can learn and then if necessary change our approach. Would you say that's correct?

>> That's correct.

>> Okay. So if the approach changes, that then brings us to changing contracts that won't, in fact, come through the council. Is that correct, rudy, or would that change --

>> that would be correct, and that work would be part of the design process. So before our contractor would bid out a construction project, we'd go through the design process, go through this environmental assessment, so whatever gets bid out will have already incorporated those elements. And again, just to be clear, especially to the public that may be listening, these will continue to be negotiated individually. The amount on the agenda is \$299 million. We are not entering into one contract for that amount. In fact, it's, you know, a series of contracts that we'll be individually negotiating, individually bidding out, and again going through the environmental process th described. a couple other questions. Right now I think the city has one lawsuit against it about water treatment plant 4 and intend to file two more lawsuits, so obviously people might have perspectives on the outcome of those lawsuits. But I guess the question i have is how -- you know, if those throw barriers in the way of developing water 4, what does our action today -- how does our action today relate to that?

>> Council member -- for you or the city attorney.

>> Council member, I'm going to ask brent lloyd, who is the law department's single point of contact in coordinating all of our legal advice on this, he works with all of our outside counsels and the different internal lawyers who deal with issues on treatment plant no. 4.

>> Brent lloyd, city law department. The -- there's not an immediate connection. I mean, the council will have all the authority you now have with regard to the project, and if the city is confidence in regard to its legal position with regard to the lawsuit that's pending, but if the city was required for any reason to stop work on the project, we have provisions in our contracts that allow the city to terminate for convenience, which means the city does not have to show that there's benefit any malfeasance or improper work on the contractor's part. The city has provisions that have been carefully negotiated and reviewed that give the city the ability, if need be, to terminate work under the contract.

>> Morrison: great. This might also be a question for you, brent. I'm wondering about the actual funding and all, and the question I have is, is any. Of the work within this item contingent upon available funding from future fiscal years? And my question is really going to be do we have an issue about council authorizing funding that really would be under the purview of future councils?

>> I think rudy or leslie browder or somebody else might be more appropriate for that question.

>> Morrison: all right.

>> I'm not sure if this gets directly to your question, council member, but the full amount for the water treatment plant has been appropriated, so I'm not sure if that's the answer you're looking for, but the monies are appropriated and are available to --

>> morrison: okay.

>> To be used.

>> Morrison: thank you. That's all the questions i have, mayor. I won't be supporting this item. As I

understand it, what this does is allow a speed-up to some degree, a couple of months, but i think that, you know, we should have been scheduling to allow for the amount of time that we actually need for this, including public participation, because it appears to me that this is -- this action merely removes public participation and it removes the council -- council responsibility for looking at particular items and diverse completely to staff, and for me that's not a comfortable position to be in.

[Applause] council member, we are going to have to pause right now, and we'll have to come right back to this item after our citizens communication. I had in order anticipated it would take this long to get through the questioning part of it but we'll come right back to it. So we'll go ahead with our citizens communications, and as soon as we're finished we'll return to this item. Sharon blythe. Topic is water treatment plant for transmission mains and you have three minutes.

>> Good morning, mayor, council members. They're all leaving. Once again when I get up here. I want to say that I have to buy some stage makeup because I'm up here so much, so I apologize for that. I have a little powerpoint here. I want to talk about my neighborhood because this is where the lift station is and also the water transmission tunnel is going to run. This was taken just in september. The conveniently taition on the lift station back -- station where that car is, it's covering the lift station completely. We worked for years trying to deal with gre with the mud and the city to work with that, we didn't see it. It's completely covered and took about 13 years to grow back. The work of the lift station began september 2. You can see all the trucks on the parkland. No notice to the neighborhood was given until the very next day, november 3. mayfield wrote us an email on may 3, 24 hours after they started work. They said the work began -- I said the work began 24 hours before the notice, she sent us a notice and this is what she said. Crews will begin work at the facility located at the corner of spicewood springs 00 pakistan 00 a.m. the following morning. This work will begin tonight, november 3, and may last two or three days. It's been over two weeks they continue to work on it. They still have it torn up. This is what it looked like that night. See the lights flashing in people's back yards, windows, all up on the mountain neighborhood, completely irresponsible to what their needs were. Here we have a view that was just taken yesterday. You can see where all the vegetation is removed from around the lift station. There's nothing left to hide that lift station. We were not informed they were going to remove the vegetation. We have no vegetation plan before us to put that -- those plans back the way they were before, so we don't have to look at that ugly lift station for another 13 years while the vegetation grows back. We were not informed of that. This comedy of errors by water utility. They have no control from top to bottom on anything that's going on in the ground out there -- on the ground out there. So I want a commitment from greg meszaros today that he's going to revegetate that lift station the way it was before or better and not plant 1 gallon pots in there and let them grow for the next 20 years. Why did they work -- work continues yesterday until today. When will it end? No one knows. The vegetation is gone that took 13 years to grow. What's the budget? What are the neighbors to do? There was no community outreach on this. And I would like my questions answered because that is complete disregard for our neighborhood, and the ability of austin water utility to even manage the smallest of projects. So please do not pass by. Thank you.

[Applause]

>> next speaker is christopher ringstaff. Topic is austin family pays thousands to the city for permitting error.

>> Gach. you have three minutes.

>> Good afternoon, council. This is a pretty serious matter to my family right now. I bought a house from dale horton, and soon afterwards I noticed almost immediately that the tree began failing in itself, so as a responsible homeowner i began a treatment with a certified arborist, and when I brought in a second arborist to look at the tree, he sent me this email stating that a large fill section ha greatly damaged -- had greatly damaged the tree and that there was a code violation. It was like, well, i appreciate you telling me that. So I contacted the city arborist on june of 2009, and got very little feedback. He sent me some form letter and a tree permit, which really didn't make any sense. So it's fair enough, i started with

the developer and said, hey, look, it's been brought to my attention, there's a code violation here, and at the same time I did a spatial analysis, having a master's degree in geography and physical -- physical geography and gis. I looked at the half of critical root -- path of critical root zone and found 9% of the critical root zone had been covered by up to 32 inches of clay. Now, per the code, 4 inches is permissible. 32 inches is on my tree, and I was, well, how can this be? you're going to have to stay pretty close to that mic.

>> How could this be? Well, anyway -- and I'll bring a powerpoint next time, but here's the permit. And by the code, any act that would reasonably cause the death of a tree, including damaging the root system over 10,000 cubic feet of clay, would -- here's the permit, not -- releasing, mike lambizi, but he downgraded removal of the tree to encroachment. And I'm just boggled. So I'm negotiating with this developer. For mitigation measures. My family has personally paid thousands of dollars after pocket. Horton paid thousands of dollars. Held my money and made me sign a waiver. Before I signed I contacted the city arborist and says, these guys are trying to bamboozle me. Where is the regulatory back-up? I've got the phone records to demonstrate it. Lordy lord. At this point here it is. My tree is dying and it's going to cost me \$3,000 to take it down. It's 125-inch diameter oak, 300 years old. Now, I know that the arborist -- I'd appreciate if someone could contact me about this so we could sit down and talk. Please, please, cost my family thousands of dollars. I think we can get someone on the staff to speak to you briefly about it. Thank you.

>> Thank you, sir. Next is rick pope.

>> Transmission mains, 3 minutes. About the cost and the capacity issues, and this -- they invited me here to get involved in this project. My neighbors were up in arms. I came back from an international trip being gone for three or four weeks, and I asked a coal about this project, and she invited me to get involved, and I did, and I have, and I'm going to be more involved. But little did I know -- when I asked the question to cole that's going to affect me as greatly as it is.

>> In regard to the lift station sharon just talked about, we had a failure at that lift station, 480,000 gallons of sewage, went to bull creek, as I understand it, with the city's reference has been made to that. They worked on that lift station enormously. They didn't get it fixed. Were there for a number of weeks. I sent a letter. I copied each one of you on this council, to greg meszaros, saying illustrates not fix. The -- it's not fixed. The smell is bad. I made phone calls. It wasn't addressed. Then you saw the email that we got that sharon put up that said we're going to start work. It's going to be two or three days. That was 24 to 36 hours after the -- before the work had already started that the work came out. That email and the work came out about ten days after my mail to greg meszaros. This is out of control. This department is not capable at present of knowing what they're doing, and you want to turn \$300 million loose just to go do willy-nilly what they want? More oversight, a better plan, more scrutiny, more review is required. It's required. Two or three days and it's gone two weeks, you know, and they have destroyed the site, working all day, all night. It's crazy. It's crazy. It's out of control. You are responsible for what goes on. The citizens are responsible for you being here. We need your help. Please get that department under control. We need it. The city needs it. This is an embarrassment. It's an embarrassment to you, it's an embarrassment to the citizens. The city has got to have control. What our assets are doing, how we're utilizing them is out of control. This is crazy. Please, help us.

[Applause] wayne hensley? Wayne hensley? Wayne hensley not in the chamber. Paul robbins? The topic is city issues. Three minutes.

>> Council, a few minutes ago I alluded to a growing culture of secrecy at the austin water utility. I want to tell you more about this. Over the last several months I've made numerous information requests about projects and policies related to water use and conservation. These open records requests have become harder and harder to fulfill. This is not -- not a criticism of the public information office of the water utility, with exceptions I think they've done a fairly good job. It is rather a criticism of the people in the water utility that are not responding. I have thought very long and hard about what might motivate people to withhold information. A friend of mine dealing with the water utility believes it's a conspiracy.

I'm not willing to go there. If I could hazard a guess, I believe it's resentment. I'm known as being a critic of some of the programs, and it is possible that they may look at the information request coming from me and say, oh, he just doesn't like anything we do, and I'm going to passively aggressively respond or not respond at all or take weeks after we should respond to respond, and in at least one case I had an information request out for two months before they said they couldn't find any information when someone in the public information office had already told me that the information existed but it had to be done in a special tabulation. Now, there is a resolution good, since you're representing management, I sorrowfully need to tell you that starting next week I'm going to start forwarding complaints to the attorney general and the Travis County attorney if I.

[Applause] -- if these delays continue. I can also work with various council offices to get this information. I hope some of you will help me because I don't think the staff will do to you what they would do to the average citizen, and then I can always tell people in the press that I know about this. These are the protections that I have. You know, the city can recommend policies I disagree with. They cannot withhold public information without process. On one other issue relating to the discussion of water treatment plant 4, the rate increases that you were shown do not include at least 2% of our bill that's already going to water treatment plant 4 for past expenses. Thank you for your attention.

[Applause]

>> Russell Doyle? Russell Doyle?

>> Topic is fluoride.

>> Good afternoon good afternoon. I distributed a statement from the --

>> can we get the broadcast back on?

[Inaudible] --

>> these chemicals are collected from the 91% of Americans ingest artificially fluoride water. Collected from the pollution scrubbers, the phosphate fertilizer industry. They contain contaminants arsenic, lead, cadmium and radioactive particles. They're legally regulated as toxic waste and prohibited from dispersal into the environment. Upon being disposed, unrefined to municipalities as agents, these same substances are considered a product, allowing them to be dispensed through fluoridated municipal water systems to the very same eco systems to which they could not be released directly. That makes no sense. It's toxic waste. You can't dump it in the ocean, you can't dump it in the rivers and the lakes but you can put it in our drinking water, if you call it a product. That's insane. On the second page it causes increased blood levels in children, two recent studies with a combined sampling of over 400,000 children found significantly increased levels of lead in children's blood when silicone flour from the phosphate from industry were used as a fluoriding agent. This causes learning disabilities. You say you're concerned. All of you claim to be liberals. All of you. You say you're concerned about the between white children and minority children.

[No audio] in IQ, causes increased uptake in lead. You're sabotaging these children. You're sabotaging them. You're supposed to do something about it. It causes neurotoxicity, bone pathology, reproductive affects, interference with the gland, mutations, thyroid pathology and increasing incidents of dental fluoride oiz. A young girl -- a 14-year-old girl. Had dental problems. Had laser treatment and she was asked the next day how she felt about it and she said it was so nice not to be called shit teeth. It is not a cosmetic problem. It is not just a minor insignificant cosmetic problem. I've read recently that in fluoridated communities there's a 66% increase in dental fluorosis in the United States. It's a very significant problem. The CDC, now concedes that the systemic value of ingesting fluoride is minimal as the effects are topical and there has been increase in dental fluorosis. The CDC, that's actually the oral health division of the CDC, that's 30 people, that's mainly dentists who don't have any knowledge of a heart or kidney problems this causes.

>> Thank you. The next speaker is ronnie reeferseed. Ronnie is going to be speaking on peace, freedom and fluoridation of our water.

>> Where is the mayor?

>> I'm sure he's listening intently in the back.

>> Okay. Great. Thanks. Yes, I'm ronnie reeferseed, start saying good-bye to this entire corrupt killers, who couldn't care less about the health and well-being of our children and you and me and pets and gardens. They have cancelled their obedience of the constitution that demands the defense of life, liberty and the pursuit of happiness, shoving toxic sludge into our water poisons everything we have, not only the water we eat drink and shower with but also the water we give our pets, helpless hospital patients, restaurants, gardens, toxic sludge in our water means toxic food everywhere. For example, as a consumer at wheatville, a health food store, they pollute their own grik bees and rice dish with toxic sludge waters with the very same we -- ultra-clean water, it's too big of an effort to walk across to the store to use clean water in rice. Healthiest way. They call themselves a health food store. I reminded matt, who hung up on me, there was our own mismelanie clen traitor was surprised the number one issue facing women was clear clean water access. felony didn't know that over the half the women worldwide spend over half their days carrying water containers to and from spigots somewhere just to get usable water. felony's number one concern about women's so-called right to kill their offspring through abortion was nowhere on these women's radar screen. Still at wheatsville they refused to walk across the street to stop poisoning us. Let them know how you feel. They take my money, not my ideas. To learn more visit fluoride.com, search engine msds. Also visit -- lots of articles, links, films et cetera about all of this. 00 00 to 00 on sundays, hear original broadcast of the alex jones show, replayed continuously until the next day. org, lew rockwell.com. Call toll free 1 aaa 1414 for weekly updates from our founding fathers as ron paul, yes. We are pink winning people rejoice. Say no to naked body scanners, quote, this f they touch my junk I'll have them arrested. I wonder why lee leffingwell denies my right to speak here most of the time. 9/11 Was an inside job. People ask geraldo rivera, call the mayor, 974-2250 and ask him about his own drinking and showering in toxic sludge water. They all denied it. Everybody here, they refused to raise their hands and say they did it. They make us drink it and pay for it, over a million dollars a year. It's a crime. thank you, ronnie, you can leave a message. Richard troxell?

>> Thank you, council members. mayor, for the opportunity to be here today. I'm going to shift gears. This is national hunger and homelessness awareness week. Members of house the homeless and council members laura morrison, council member sheryl cole and council member randi shade joined us along with city manager mark ott at auditorium memorial shores at the homeless. And we had the misfortune of reading the names of the people who had lived and died on the streets during this last year. We read the names of 159 people. So now is the time for action. I've brought somebody here to help me with this part.

>> This is homey 2. Homey 2 is here -- don't grab the microphone. Homey -- homey is here to help -- thank you. Okay. To help us with our thermal underwear drive. This is our 10th annual thermal underwear drive, and we're going to outfit homey's brothers and sisters and small children with thermal underwear, hats, gloves, socks, scarves.

>> We got our scarves.

>> That's right, we got our scarves,.

>> And socks. It's a small amount to pay \$10 for top and bottom. \$25 Outfits somebody with a complete outfit. We need to raise the money in the next 30 days so we can have our -- as I said, 10th annual thermal underwear party for the guys and gals, and let them know that we care and maybe, just maybe help us lower the number of people's names who we read next year at the memorial. So you can -- you

can see the illustration on the screen there. Go ahead, please send a generous contribution to house the homeless. \$10 For top and bottom, \$25 fully outfitted and homey 2 here wishes you well.

>> All right, then, thanks.

>> Thank you.

[Applause] thank you, richard. Rae nadler-olenick? Fluoride?

>> Good afternoon, mayor and council members. Much has happened since i last stood here. From november 4 through 9 professor call connett, the nation's foremost critic of water fluoridation, a environmentalist and co-author of the case against fluoride, visited austin. On his first day he spoke here during citizens communication, as those of you who are present will remember, and on his last day he spoke before the travis county commissioners court, where he was accorded great respect. All this is now on youtube, just google connett austin to bring it up. While here he had a packed schedule. There were moments of levity as when he was presented with a cake against fluoride, but most of it was a serious and busy week for him. He had a wide variety of speaking engagements and radio interviews in various venues. He also participated in some small group events, and one I want especially to mention is his meeting with several city council members' aides that's on the cd I've passed out. It took place on november 9 and was recorded openly by fluoride-free austin's linda green. Representatives from the offices of council members cole, spelman, morrison and shade attended, and if I've left anyone out I apologize. I wasn't there. But this cd seems to record a genuinely fruitful meeting connett making his points convincingly and those present paying attention, even to asking probing questions. One point he dwells on, apart from the fact that ingested fluoride does nothing to improve teeth, is that fluoridated water, health threat though it is, is not the only or even the greatest such threat facing us. Today we're beset by environmental toxins at every turn in food, water and air, but it is the one that's most easily remedied, quote, if we had the political will, unquote, because it involves nothing more than turning off a tap. And by the cd's end a voice can be heard beginning to agree. As the writer victor hugo put it, armies condition stop an idea who's time has come. We're not asking for armies. We're asking for the city to turn off that fluoride tap. Thank you. thank you. Last speaker is philip kay. Philip kay on the transmission lines. You have three minutes.

>> First I would like to say that we do appreciate the fact that a pard site was reduced from an excavation site to a retrieval site. But just so that you get the full impact of of what a retrieval site is I wanted to point out a few things and also ask for some other con seeings, possibly. First is the insertion of the pipe. The pipe that is being inserted at the pard site or at all the different sites, we're talking about 40-foot length, 7-foot wide pipes. They're huge. At the pard site it's estimated there will be about 250 days at a minimum of truck traffic bringing these pipes down to the site, unloading the piepts pipes and then cranes used to insert the pipes into the shaft. This is a pretty big undertaking. And we are understanding now that there is a possibility of alternatives. One of the main alternatives would be to insert this -- this would be a mock-up of the shaft, so that this would be the jollyville reservoir, this would be the four points -- I'm sorry, this is the water treatment plant, this is four points and this is the pard site, these red lines. And right now we would be inserting the pipe at the four different points. If the pipe were inserted from the reservoir only and not at the pard site, it could be done. It's -- it will be adding about 5,000 feet on to the run, so instead of a 10,000-foot run, it's a 15,000-foot run. There was one small object sta keg right now. It seems that the transmission line is not perfectly straight. There's a little kink at the pard site. So that there are now three alternatives being looked at by the engineers. I've met with a few of the engineers over the last couple of weeks. One possibility would be inserting more pipe over the four points that would come down, and it would have to come all the way to spicewood springs road where they would have to be welded together. Another possibility would be the condo development that is right adjacent to the pard site, across the street. There is a possibility of getting an underground easement so that these pipes could be put in on a straight line, it would actually form a straight line, so it could be put in at the reservoir, and another possibility would be if the easement at the end of the pard site, right on spicewood springs road, if the shaft were put over there, that would also form a straight line. So there's three possibilities, three possible ways that these pipes could be put in from the

reservoir and eliminating pipe insertion at spicewood springs road. The time factor, it may take a little bit longer so obviously time is money. It may cost a little bit more. On the other hand, there is a time savings, and that's the truck unloading the pipes would be unloading them right off the highway OF 183 and McNeil drive, it's right on the highway, the big trucks can come in and out very easily. It's a commercial area. I'll continue later. Okay. Thank you. I'm sure that staff will be glad to consider your suggestions. Thank you. Those are all the folks that we have signed up to speak in citizens communication, so we'll go back to item no. 5, And there's a motion on the table, with a second. Council member spelman.

>> I had a couple questions about the specific contract. We are back on item --

>> mayor leffingwell: 5.

>> Spelman: 5, thank you.

[One moment, please, for]

>> the proper direction to go in. At the time, it was my understanding that we were going to be -- going to be pursuing the contracts in an incremental way. Not one big contract of \$300 million, but a lot of little pieces to that. Was that your understanding or were you expecting at some point that we were going to be issuing one large contract.

>> Let me clarify. I think rudy clarified, too. We are not planning on issuing one large contract. We are still planning to bid this in packages and negotiate the packages. We won't have one \$300 million bid.

>> We are not going to send them a check for \$300 million.

>> No.

>> Spelman: Let me rephrase the question. It was my understanding that the city council was going to be seeing the -- the individual bids or the -- some of those individual bids in pieces rather than have the bids handled by the -- by the staff.

>> Yes, when we started off, we signed the master agreement with mwh, that hasn't changed and won't change with the pending action today. Then as we bid each package of work, we amend that master agreement. We have done that now with today's council item, this would be the third time. We could continue to progress that way and complete probably another six packages or so. But again as rudy described a bit, as we sat down with our construction manager at risk, our project team, analyzed how to best take advantage of the seamar model, it delivers a lot of nextibility for delivering a project on time, maximize our goals for the environment and community, the amendments added up over a period of the next year was not maximizing the ability to create a project that is most attractive to prospective bidders and utilizes the flexibility of the construction manager at risk model. More particularly, some of the things that are occurring, as an example, if we get a request from a bidder that says hey I'm bidding on another large package, if you want my best bid, could you delay the bid two more weeks and I could give you my very best bid because I'm trying to configure two bids right now. Often we're in a position where we have to -- to respond no or not fully take advantage of those opportunities. If we miss a commission deadline we can often delay six weeks or longer, because they meet once a month, depending on the council schedule. That's an advantage for us by rolling this all up. In addition, rudy described this, we will be able to get notices to proceed on the street earlier. That brings more certainty to contractors. I think that reduces the risk of them adding carrying costs to -- to their bids, also allows the job creation part to accelerate. We have about six more packages to go. It's also possible that the bidding environment my lend itself to slicing up another package in another different way where you might have two smaller packages instead of one. Again, we would be concerned right now, we kind of loose the ability to do that to stay on the amendment schedule. We would increase some flexibility if that created a more attractive bidding package.

>> Councilmember, what i would like to add to everything greg said, at the time that we brought you the initial contract and as part of ultimately making myself personally making the recommendation to our city manager that we proceed with this instruction manager at risk, it was always an option to in fact award - seek \$359 million approval. We made the decision not to pursue that at that time because we felt we needed to get more information. Wasn'ted to get a better sense of what's happening in the market. How was montgomery watson going to perform with their gmp's, with their m.b.e./w.b.e. participation. So we chose to not pursue that at the time we did the initial award. And the reason that we're doing this now is because we now have much more information. So the short answer to your question is we did not pursue it all at one time, but it was certainly an option that we withheld until we got more information.

>> Spelman: Okay. Sometime between the fall of '09 and the last few weeks, you've looked at all of the information and concluded that flexibility was going to be maximized by doing it the way we're talking about doing it now and that you had enough information about how montgomery watson was going to perform, what the market was going to look like, to roll all of this stuff up into a \$300 million package rather than in six or more individual bid packages.

>> That's correct. Including one of the key components of information is that -- that everything is either out to bid, in design or actually almost nearing completion of design. So we have just a heck of a lot more information now than we did 12 months ago.

>> Spelman: Okay. And your argument now is that -- is that the increase in flexibility is going to save time and at least conceivably save some money by being able to restructure bid packages, by being able to move things around in time as well? Okay. If we had continued -- well, we still have a choice to make, I suspect that we're going to choose to do it the way that you are suggesting. By a four to three vote, which is the same as all of the other four to three votes that we've been having on this project. But let me just continue with a hypothetical. Had we continued to do it the way that you originally envisioned say with six bid packages rather than just one, am I using the right terminology? Should I be calling this a bid package or --

>> well, we're still going to bid the project. Montgomery watson in smaller packages. I would use the term amendment. Instead of six amendments, we're going to have one amendment.

>> Spelman: Okay. One amendment which is going to incorporate six or conceivably morbid packages rather than having six amendments, one per package.

>> Yes.

>> Spelman: Gotcha, okay. If we had, if you had decided to go in the original direction, which is to have one amendment per bid package, so we would be seeing this -- say six amendments of roughly \$50 million each, as opposed to one amendment of 300 million, okay, we're cutting a contract now with the cm at risk which is going to incorporate [indiscernible] rather than \$50 million, more or less, is that right?

>> Well, your master agreement that you authorize and we entered into with mwh authorized already a \$359 million construction price. So that's not changing. But that's already in a contract we have signed with montgomery watson or mwh.

>> We had the master agreement back in the fall of '09, that's what we passed on then.

>> Yes.

>> Spelman: Is there an important difference between -- well, the master agreement is the master agreement. Is there any other difference in terms of -- of termination clauses, for example? If we conclude somewhere down the line that montgomery watson is not performing the way we want it to, is there any difference in the termination clauses between doing this in successive amendments as

opposed to doing this all at one time?

>> No difference, that language does not change and as Brent described our contract has termination language at convenience and that's not changing in any way by this.

>> Spelman: Just more on that subject. What is the cost to the city if we terminate at convenience?

>> That's probably in part a legal question. If Brent is still in the chambers --

>> Spelman: Right there.

>> Brent Lloyd, assistant city attorney. That's a difficult question to ask. It depends on a lot of variables. Including how far along the various work packages are. But we have consulted on it. And I believe Gordon Boman from our office can answer it.

>> Thanks.

>> Good morning, good afternoon.

>> Afternoon now, yes, sir.

>> The actual termination costs wouldn't be determined until you went through the process. You would be responsible for paying any costs of work that was actually in progress at that time. Reasonable demobilization costs, and costs of terminating subcontractors. But you wouldn't be responsible for anticipated profits on unperformed work or expectation damages or parts of the project that weren't finished. Our outside counsel looked at this issue in several -- with several options, including terminating and then reinstating the project and about this point in time, his estimate was that the cost may be somewhere around six and a half or seven million. But that's -- that's kind of a moving target that would have to be adjusted as the ..

>> Spelman: Is it generally larger, if they are endangered in a lot of different pieces of the project? Or is it larger if they are only doing one small thing?

>> It would -- well --

>> Spelman: What determines whether it's going up or down.

>> Excuse me.

>> Spelman: What's determining whether that cost is going up or down.

>> The bigger the project is at the time of termination the bigger the cost will be.

>> Spelman: Determined by the master agreement or by the amendments?

>> The master agreement. But the amendments are what determines the

[indiscernible] of the project.

>> Spelman: Okay. So if we do this one amendment for \$300 million, is that going to change the -- the cost of termination?

>> If there were to be an amendment for 300 million, certainly it would. But I don't understand that there's an amendment proposed or envisioned for that full amount. As Greg was saying, there's going to be several smaller amendments. As each work package is brought in, there's going to be a work

authorization package amendment for that particular part of the work. It will be a running total until you get to the last amendment, which would give you your full guaranteed maximum price. You would have the total construction contract completed [indiscernible]

>> Spelman: I think that I miss misunderstood. It was my understanding that there was going to be, we were talking about effectively the last amendment to the master agreement today. And that was what we were going to authorize. -- [Multiple voices]

>> I don't understand that to be the facts right now at all.

>> Councilmember, you are correct. Greg, we're trying to figure out the right terminology.

>> We all are.

>> There will still be six amendments. There will not be a one, \$299 million amendment. There will be six or however many more --

>> Spelman: What we're doing is not passing an amendment. What we're doing is authorizing staff to amend the contract as necessary --

>> absolutely.

>> Six times or more over the course of the project.

>> That's correct.

>> Spelman: Okay. Whether we pass on those individual amendments or whether we simply give you the authorization to make amendments as necessary over time, that's what we're really talking about.

>> Absolutely.

>> Spelman: Okay. As far as termination procedures, grievance -- let me ask you about grievance procedures. Suppose the subcontractor drills into a spring while they're creating the water line. They drill into a spring and our environmental officer says you can't go there, we're going to have to take a different route, it's going to cost more money, do a little bit new design, something is going to have to happen. Montgomery Watson says we don't think that you have to do that, there's a dispute about that subject. What happens there?

>> I will let Gordon speak to the contractual obligations there.

>> Spelman: Thanks.

>> In a situation where you were addressing unforeseen conditions, you would evaluate the condition and have an engineering solution proposed and then you would try to execute a change order, negotiate and execute a change order with the contractor. If that weren't possible the city could issue a change directive telling the contractor that they have to do the work. If the contract provision allows you to do that. Then that in that case they would be paid for the cost of the work [indiscernible] there is a contingency built into the contract. That anticipates this sort of issue.

>> Spelman: Okay, so there's a change order, the usual change order rules are going to apply. Whether this is -- authorize you to amend as needed over time or whether we are actually passing on each of those amendments. Nothing has changed. Similar if we delay the project because we are inspecting as quickly as we are expecting to or not issuing permits, they say they claim this is delaying the project, slowing down, costing them money, what happens in that case?

>> They can submit a delay claim, in which case we have an alternative dispute resolution process under the contract to evaluate those claims and engage in stepped up sort of -- of process where we would wind up finally in mediation. And -- and that's a prerequisite before going to -- to court on any kind of claim. Going through the mediation process as part of alternative dispute.

>> Spelman: As governed by the master agreement again.

>> Yes.

>> Spelman: Again, whether we authorize staff to amend the contract as necessary or whether we see each of those amendments for their -- before they are actually promulgated, it's not going to change the nature of that grievance procedure?

>> No, that will stay the same.

>> Spelman: So realistically, all we're doing is authorizing you to seek exactly the same amendments on your own hook that we would otherwise be seeing; is that correct?

>> Yes. You would be authorizing funding to allow those amendments to happen.

>> Spelman: But will there be any difference in information provided to the city council, water and wastewater commission, environmental board, anybody else with respect to change orders, with respect to grievances? Are you -- what are your procedures for reporting that sort of thing to the public?

>> That's not really an internal contract procedure. I defer to greg on that question.

>> Spelman: You just happen to be in front. Thanks for being there.

>> No, that would not change our reporting or updates to boards and commissions. I think that we have even committed for additional written reports and updates to the council, including whenever we would negotiate an amendment to the agreement, we would send a memo to council updating them on that process and the outcome of it. We would actually probably get more written information than you are now.

>> Spelman: I am persuaded by your monthly report that we probably will be getting more information than we have been getting up to this point. I appreciate your preparing that. I look forward to seeing it every month. If at some point after your first amendment is promise promulgated, if some future council says this really isn't working for us, we think we need to see individual amendments as they go forward, is there a procedure for not canceling the authorization we are giving you exactly, but just pulling back the reins a little bit and saying we need to see this next amendment or two? Is that something that we could do.

>> That would be at the will of the council, that we would follow whatever instructions the council voted on for us to do. I don't know -- gordon -- yes, we would do whatever the council instructed us to do.

>> Spelman: Okay. So this action we're taking today is reversible and if we choose, decide that it's not working, we can take it back.

>> Yes.

>> Spelman: Okay. Mayor, as you and everybody else in this room knows, I'm going to be voting against this contract. I think -- I'm not clear that this particular approach is going to improve value for taxpayers. But I'm persuaded that it probably will be more flexible. Whether that flexibility actually works to the advantage of the water utility and the taxpayers remains to be seen. I look forward to taking a look and seeing how it develops over the next few months. As usual, however, I'm opposed to doing this

project right now. I'm not opposed to water treatment plant 4. I am opposed to building it now when we don't need it given how much other demands there are on our ratepayers' cash. The increase in rates that we're talking about is substantial. It's going to probably acco -- all of the conservation, you raise the price, water demand is going to go down. I think by paying for this water treatment plant we have ensured that we probably will not need it in the next 10 or 15 years. I'm against it. I can understand how you would be in favor of this approach.

>> Mayor Leffingwell: Thank you. Councilmember Riley?

>> Riley: Mayor, I just have a few questions. I want to make sure that we're all on the same page about exactly what we would be getting with the amendments that we're being asked to approve today. I understand there was some uncertainty about that at the water and wastewater commission, so I just want to ask about the scope of these amendments. I understand that this would be -- that the amount -- the 299 million would include -- would be -- would represent all of the remainder of the 359 million for the whole project, which includes all construction phase services for the project. I take it that means that the plant itself, the intake tunnel and both transmission mains, two transmission mains?

>> Yeah. Our agreement calls for the mwh, the constructor, to provide a fully working water plant and transmission infrastructure. And the core elements of that are the raw water system, the intakes and the tunnels out of the lake, the raw water pumping system itself, the tunnel from the raw water pumping system to the plant, the plant itself, and then finish water transmission infrastructure. Primarily jollyville. Forest ridge is as originally configured is a redundancy in the system that it is not a critical element for the full working plant, it was designed as an original as a backup, as additional redundancy in the finished water transmission infrastructure. We've been recommending that we defer the decisions on building forest ridge until we complete or get more information on jollyville and others. Forest ridge, there's a few things that I've been changing with forest ridge. First the design decisions that we've been making on jollyville have reduced the need for additional redundancy on the transmission infrastructure side. More particularly, jollyville has been -- is being selected as a deep tunnel, there's no open cut, it will be a very deep transmission infrastructure. The bulk of the route is through the bcp where there's no activities whatsoever, no surface expression. We've also selected welded steel pipe, the most reliable piping internal that you can select. All of that means that the risk of valley -- of jollyville failing is very, very small. That reduces some of the vault of forest ridge. Not all, but it does reduce the value. Our experience in jollyville has shown we will not be able to do any open cutting to construct forest ridge. Forest ridge was to be significantly constructed through open cut techniques. So it's going to cost more due to tunneling. The other aspect of forest ridge is that it was conceived when the plant was originally located on the bull creek side. Now that we've moved to the different site, that's farther away for forest ridge, forest ridge is also longer. That means forest ridge is going to cost more than originally configured. Five years ago. Its value to the project is significantly less given the design decisions on jollyville. I think it's prudent for us to withhold on whether we want to -- before we see bidding unfold on plant 4. I think it would be prepratture to say we would absolutely build forest ridge under any circumstance. That I would really recommend that we wait until more of this is done. It may make sense to build forest ridge at a later date or in a subsequent phase of water treatment plant 4. I think in the end that would also bring more cost certainty to the project and that we would be able to complete this project significantly under the \$359 million that we are anticipating. I can't guarantee that, but I think that gives us some options. That 359 million includes over \$50 million of contingency and price escalation and our working goal is that we won't have to utilize all of that con continuing guess and price escalation, we may, I don't know for sure. Contingency. But I think withholding or deferring our forest ridge project allows us to maybe achieve outcomes less than 359.

>> Riley: Okay. So I hear you saying at this point we can't say for sure that we will need the forest ridge transmission main or at least we may not need it any time soon, is that fair?

>> Yes.

>> Riley: With our action today if the utility were to decide a few months or years down the road that it

wanted to proceed with the forest ridge transmission main, could it do so as a result of approving these amendments today?

>> It is within the scope of project elements for mwh. So we could -- we could decide if the budget allowed, everything came together to still build forest ridge under the scope of this contract. If we didn't build it under the scope of this contract, it could not be authorized without coming back to the council under -- because it would be bid separately and differently in the future. So that would have to come back through the approval process.

>> Riley: So our action today in itself would not enable the utility to proceed to move forward with the forest ridge transmission main?

>> It would if under the scope of this agreement we -- yes, if we can fit it in all underneath the scope of this agreement we could. If we decide to not build it, if it were to come back in the future, we -- we would have to bring that as a separate transaction.

>> Let me try this. If we can build it within \$359 million yes, if it goes beyond that it would take additional council action. If we decide we can't build it within that authorization and we decide five years from now, we want to build it, it would be in a future that council would take into consideration and take action on.

>> Riley: Okay. Then help me understand exactly where we are and if we look at this as a \$359 million project, help me understand how far we are into it. How much of -- how much of at -- the 359 -- the 359 million has actually been bid at this point?

>> We have bid of the 359 million, we have bid approximately -- well, in terms of the 359 million, the authorization we're asking for is 299 million. So whatever 359 minus 299 is, that's what's been -- 60. Woo, sorry. That's -- that's what's been already authorized and amended on the mwh agreement. That work is already under bid. It may not all been finished.

>> How much has been finished?

>> We have several construction packages underway. Some construction of the plant we started before we hired mwh. Bullock hollow road widening at substantial completion. The clearing of the land at the plantsite as well as the raw water pump station, including the excavation of the raw water pump station is very near substantial completion. The construction of all of our finished storm water ponds that manage storm water qualities or concrete ponds, that's at near or substantial completion. The excavation, the large excavation of clear wells and the clarifier systems is well underway. We have placed orders for about -- about 8 to \$10 million of equipment that we have preordered. So some things are done, some things are substantially underway.

>> Could you give me a number for the amount out of the 359 million, the amount that's actually been completed?

>> Councilmember, I don't have that amount. Maybe staff here could puzzle that out real quick.

>> Riley: My understanding from the information from the water and wastewater commission was that two millions of the 359 million has been completed. Is that --

>> I didn't hear the number.

>> Two million.

>> I think it's more than two million. When you say completed, you know, we're just talking about the construction. If you -- if you span out and say how much have you spent on engineering, land acquisition, permitting, it's around \$100 million. That's been spent in that regard. We have a total of

\$150 million under -- under contract. Obligated.

>> The work that's been done, how much has been done under the construction manager at risk contract?

>> I don't have that number. \$18 Million has been actually construction completed.

>> 18 Million.

>> Yes.

>> Riley: And is completed and is that all under the construction manager at risk model?

>> Our project manager has the information that you -- that you might be looking for.

>> Good afternoon, stacy long, public works. I don't have exact numbers in front of me, we are underway with 15 to \$18 million in work and have bid out 75 to \$80 million of the 359.

>> Riley: Of that, do you have a sense was under the construction manager at risk? Didn't some of that predate the construction manager at risk agreement?

>> The 359 does not include the construction dollars that were spent out of the mwh contract.

>> Riley: That's all construction manager at risk.

>> But there have been projects outside of the mwh I don't have that with me right now.

>> Riley: Okay.

>> Councilmember, just to make sure that we were completely accurate, when you asked about what's been bid out, a major component that's the raw water intake infrastructure. So that has been bid out, bids have been received, we're evaluating those now.

>> Riley: Okay. That's all of the questions that I have, mayor. I am going to be opposing this item. We are still very early in the -- I know it's been -- we've been talking about water treatment plant 4 for a long time. But if you look at the work that's actually in progress, we are actually fairly early on, especially in terms of the work that's being done under construction manager at risk, what we heard about the forest ridge transmission main is a good representation of the issue, there are still judgments to be made about whether in fact we will need that main. In fact the action today will enable you to build it, as long as they are under the 359 figure they can build it out any further action on the part of the council. I think that it's inappropriate for us to -- to defer those decisions. I think that we ought to take -- keep responsibility for making decisions, especially at this early point in the contract. So -- [applause]

>> Mayor Leffingwell: Councilmember shade?

>> Shade: I would like to clarify one other thing, you don't mind, in terms -- greg, that's fine, I know that you will know the answer to this. But it's often reported, even in this week, with everything that's been discussed with this pending item, about this being a 300 mgd plant. And what I would like to also clarify here is that what we've authorized to far is for us to build a plant that could be expanded to that capacity. But really the authorization only includes the financial capacity to build something that can deliver 50 mgd's.

>> That's correct. When we're finished the plant would be rated for 50 mgd and no more.

>> Shade: I think that's really important because there's -- I've seen it in several news reports over the

course of the week that this is a plant when completed would be 300 mgd's, millions of gallons per day, out of lake travis and that would absolutely have to come back to council before. What we're talking about now is building a capacity -- a plant that can take us to the future, not just for whether we're debating whether this is something we need in 2014, 2019, 225, but really talking about 100 years from now, a project for a generation. There's no question in all of the debate that we've had in the time that I've been on council, there are clearly a lot of differences of opinions and I think all sides make compelling cases and at some point, I think, bill bunch made a comment about maybe I took it a little personally, but about the harvard m.b.a. I guess what I want to say is you don't need a harvard to make a decision about risk tolerance, which is really what it came down to for me. So we can go back and look at past discussions on this, but I'm definitely going to be voting in favor of this item. Sense the council made the hard decision to move forward on this, since that time I think the responsibility of this council is to do as much as we can to come in on time and on budget, I believe that the staff recommendation does provide us the opportunity to increase our flexibility and increase the ability to come in on time and on budget. I would also like to say with the additional comments made about transparency and about more information, you know, I really appreciate that. Don't through for a minute that -- don't think for a minute that this discussion is over. We will keep looking at this, each of the decisions that keep coming along. I do believe that the project is better with that input. I think that the best input that we have gotten is from citizens who have come to our offices individually, from citizens communication. Sometimes in the setting of a boards and commissions meeting. But a lot of times it's now water utility staff working kay who spoke during citizens communication about the variety of different options. There's no question that the shaft discussion as has been pointed out by numerous neighbors, it is a much better design but you can't get the design work going if you haven't authorized the contract to engage the engineers to start doing that assessment. So, you know, I know this is a contentious issue, i appreciate the comments that are made about this being divisive, but I am going to be casting a vote in support of this item. I will also be looking forward to continuing to get input from people as time goes on, just not related to each piecemeal of this contract. Thank you.

[Applause]

>> Mayor Leffingwell: Thank you, councilmember. I very strongly associate myself with your remarks. Have done so for almost two and a half years now. .. with that, motion on the table, all in favor say aye.

>> Aye.

>> Opposed say no.

>> No.

>> Passes on a vote of 4-3 with councilmembers riley, morrison and spelman voting no. Council, we need to be back here right at 2:00. But we do have an executive session, we're all hungry, in fact I have a headache. So without objection, the city council will now go into closed session for -- pursue want to section 072 of the government code which allows discussion of real property to take up one item, item 73 concerning the real property acquisition of approximately 34-acres located at 1407 west stassney. Is there any objection to going into executive session on this item? Hearing none, the council will now go into executive session.

[Rumbling] Announcer: What if a disaster strikes without warning? What if life as you know it has completely turned on its head? What if everything familiar becomes anything but? Before a disaster turns your family's world upside down, it's up to you to be ready. Get a kit. make a plan. be informed today.

>> Mayor Leffingwell: Good afternoon. We're out of closed session n closed session we took up and discussed a real property issue related to item 73. And now, council, time sensitive item posted for time certain, discussion and possible action on bond sales and I'll bring up our bond counsel, mr. newman. Or bill is going to send somebody else up. That's fine.

>> I'm with public financial management. We serve as financial adviser to the city. You should have a book in front of you. We sold bonds yesterday for the austin water utility approximately \$77 million of tax exempt bond and slightly over \$100 million of taxable build america bonds. The bonds were sold through a lead underwriter of barclay's and we have bob here from fullbright. The ratings for the austin water utility were affirmed by the rating agencies in late october, aa 2 by moody's, aa by s&p and the bonds were sold to refi \$175 in commercial paper. Page 3 we have a graph of the historic bond, which will be the higher line and although we've seen rates move higher over the last week or so, if you look back across this graph we are still at historically low rates. One of the reasons and you can read on page 4 about the bond market is here late in the year we've had a lot of build america bonds supply. That's because we're not sure if that program will be around next year. On page 5, I'll turn it over to bill to talk about rating agency highlights, but before bill comes up, I'd like to thank mayor leffingwell, councilmember cowell and the city manager for their participation in the rating presentations. We really thank you for the assistance in helping us achieve those very high stable ratings. Thank you.

>> Mayor Leffingwell: Thank you.

>> Good afternoon, mayor and council. I wanted to talk to you about page 5 of the handout and I'm sorry we don't have the audience before, but some of the highlights mentioned in their reports for this transaction from standard and poors, a service area which is not concentrated in revenues which means you are not at risk, you are nice and diverse in revenue source. You have continued constant growth. Overall your customer growth is wealthy. Your customers are wealth and income. You have a healthy water supply. Sound financial condition, good debt and liquidity. Competitive rates, long-term water supply agreement and stable service territory. Customer is stable and diverse with limited customers industry concentration. Moody's noted a system's water rights. They all brag about the water rights. That's really important because nowadays that's not the case anymore with cities around the country. They also mention adequate debt service coverage. These are the reasons I should mention that when you went to market yesterday in a very difficult market and your underwriter will tell you some deals that went to market yesterday didn't go, they wouldn't sell. Austin sold because it's a good credit, it's a strong credit and it's known in the marketplace as being a strong credit. That's why your deal got done. That's very impressive and congratulations to everyone. On page 6 you can see the maturity and interest rates afforded to these two transactions. We had a series 2010 a which is a typical municipal transaction and then you also had build america bond issue which is noted at the bottom. When you look at the true interest cost by blending these two and considering the subsidies you get as a result deal you got a true interest cost and that is fabulous. Just how much it saved you on page 7 to do that build america bond transaction on a gross basis the annual savings was \$28 million. On a pv basis \$17 million. Overall we're very pleased for the transaction to see it go as it did, proud for you and happy for you and recommend approval.

>> Mayor Leffingwell: Thank you, mr. newman. I also want to congratulate you for the important parts you play in helping austin's water utility achieve these really industry high bond ratings for our bonds.

>> You are very kind.

>>

>> Mayor Leffingwell: That saves our ratepayers a lot of money.

>> Thank you, sir.

>> Mayor Leffingwell: Any other questions of staff? We do have a speaker. Bill bunch. Is bill bunch in the chamber?

>> Thank you, mayor and councilmembers. Bill bunch. I did sign up against this. I'm not sure that -- I do have some questions. I'm not sure that's my final position. I don't question that these professionals are

doing their very best for the city. I don't -- I can't -- I don't have the information to say one way or the other. I just want to make a couple observations and ask a question or two. As for the -- the laudatory remarks, I would encourage you to see the film "inside job" which tells us about how these three fine rating agencies, standard and poors, fitch and moody's gave aaa ratings to billions and billions and billions of dollars of collateralized debt obligations basically saying that if you take a bunch of predator loans, subprime loans, junk loans and you tie them up into a big bundle, they automatically become safe investment instruments. That's what our ratings agency did, and consequently the global economy was cratered by this activity. The underwriters on the list include the rogue's cast that's inside job is that also helped crater the global economy. morgan, goldman sachs, bank of america. All of the too big to fail that we're all bailing out with our scarce dollars. The question I have is whether voting for this puts you on the hook for committing the city to raise water rates to pay for them. That's the question. I looked through the documents, I couldn't tell. So I hope you will at least ask that question because i don't think that you want to be committing yourself unknowingly to future water rates to pay for this. Thank you.

>> Mayor Leffingwell: Alejandro has also signed up not wishing to speak. Those are all the speakers and mayor pro tem moves approval of the ordinance authorizing the issuance of the bonds. Second? I'll second. Discussion? All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Any opposed? That's approved on a vote of 6-0 with councilmember cole off the dais. Thank you.

>> Thank you and congratulations on a very successful transaction.

>> Mayor Leffingwell: Thank you. Now council we're going to go back and pick up two items that we have already held our public comment period on and we can take these two together. Items 23 and 24. Which are two legal service contracts, one is a contract, one is an amendment. I'll entertain a motion for approval of those two. Mayor pro tem moves approval of items 23 and 24. Second by councilmember cole. Discussion? All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. I believe that passes on a vote of 5-2 with councilmember morrison and spelman voting no. So council, now let's go back all the way back to items 2 and 3. Which is a service extension request for water and wastewater. And it was pulled off consent only because of citizens wishing to speak, so we'll begin with those speakers. And we'll begin with those who are signed up neutral and wishing to speak. Paul saldon. Paul. Council, without objection since we have not begun this item, I am now informed that our morning briefing on the library, the participants, some of the participants have to catch a plane this afternoon to go back into town so if there's no objection we'll put f-1 and 2 on hold and go-

[laughter] and go to our briefing on the new central library.

>> Mayor and city council, good afternoon, assistant city manager over community services. It's my pleasure to start this presentation for you this afternoon. As you are aware in 2006 the voters approved a funding for the design and construction of a new central library to serve our community. Today we will present to you the architectural building program for the new library. An iconic signature building of landmark architecture that we will continuously refer throughout this presentation as a library for the future. The plan is to walk you through building program, stills called the textural blueprint for the facility which provides basic information required by the architects to begin working towards the design of the building. We intend to come back to you on december 9th with this architectural building program along with the funding plan for your consideration. Some of the project milestones that followed include on february 14, 2008, council dedicated the former seaholm property to serve as the site for this exciting project. On december 11, 2008, the council selected the joint venture of lake slato architects with

sheriff's deputyly bullfinch and abbot for the new design project. During october and november of 2009 the staff and the consultant had a series of public input meetings to determine many of the wants and desires of our citizens which I will say are incorporated in this proposal for you today. Throughout 2010 the staff and consultants have worked extremely hard to complete the architectural building program that we are here to present to you today. As I said, we will be coming back to you next month. To give you a little more context, part of our research for this project included what I think was an extremely rewarding experience in engaging the services of joan pride williams, an internationally acclaimed library futurist. The insights that she provided us allowed us to refine our vision for the new central library and to think more innovatively and creatively about space usage and the role of technology in the planned facility which you are going to hear a little bit more about today. To talk a little more about this concept, the library for the future model is creating flexible spaces. It's one that can readily be changed as the library needs evolve. Just as technology has over the years. Rather than building isolated spaces to serve as single purposes, our library for the future provides ble multi-use spaces such as children's story time area which could be used for reading, study and laptop computer use when no other children programs are scheduled. To give you characteristics for libraries of the future some are a focus on an electronic delivery of information, providing state-of-the-art technologies, serving as a community gathering place that promotes education through conversation. Of course something that is extremely credit for austin that buildings are sustainable mixtures are lively and contemplate I have spaces and just as importantly collections displayed to encourage discovery. We're excited to make austin the first city in the nation to design and build a new central library that is referred to as a library for the future. With that let me turn it over to sid bowen to present some of the elements of the library that we've been starting to talk about.

>> Thank you. Mayor leffingwell and members of the council, the process of developing a program for this library has been unique. If you will, the libraries that are highly published in this country were designed around the year 2000, ten years ago. Taken changes that have taken place in technology in the last ten years could not have been anticipated when those buildings were done. And for the most part libraries tend to be silos of spaces. Historically that's been true. They were warehouses for books, places to read. But they've been very difficult to adapt to change to conform with technology that candidly this building won't open for four years. We can't know even today what the technology will be when this building opens. So what we've really discovered is we have to build buildings that are extremely flexible. As bert said the issue is how we build spaces that are blended, that serve multiple uses and can change in the future. The graph that's up on the screen right now reflects 35 years of libraries from when the faulk was built 35 years ago to this building in 2014 and includes a library our firm did in eugene, oregon, about ten years ago. What you'll note is while the collection space hasn't changed dramatically, staff spaces have shrunk because staffs have not grown. But what's really different from 35 years ago and ten years ago is the amount of space dedicated to public use public participation. And the program which you will get in detail on the 29th is nine pages of highly detailed information accompanied by significant additional information, appendices of the program over the last year and a half. We're going to talk today about some of the particulars that lead to a building that will be between 185,000 and 200,000 square feet. When we began this project, we expected that it would have to be larger. Principally because we expected more I guess I'll call them silos for spaces, but the recognition and the development by the library staff and your consultants has led to a strategy for design that we think will be more flexible and in fact enables us to do more with less in terms of our overall square feet. Also as bert said a key component of this process was a year ago this month meetings throughout the city with the public to talk about what's of interest in austin for this library. There were three main topics that were addressed and I've listed the primarily responses. Architecturally natural light was the common theme. The other theme was sustainable. Fundamentally those are about the same thing. It makes a better place and a more sustainable place if the building is day lit as opposed to have to light it with electric lights that heat. In terms of access, the word park ing is first and foremost. Partly because faulk doesn't have enough, but partly because it's a reality of our culture. We do arrive by automobile. But also reflecting austin's culture and environment and this particular site on shoal creek and the hike and bike trail, the issue for bike racks and public transportation access was high on the list of those who attended our meetings. And then programmatically the branches provide opportunities for children throughout the community, but there is a

strong desire that the central library create another opportunity for learning and understanding for our children in austin. Another topic that would not have been on the table 35 years ago is food. Joe's coffee at the library, and what we realize is food is basically a lubricant for conversation and it is a reality today. That must go part of the library. A reading room that is quiet, bright, but also outdoors. And another theme that came through is austin is a city of the outdoors. We've got to get above the mosquitos, but it is outdoors. Public meeting rooms and gathering spaces. We realize people want to work together and one of the things joan frye williams pointed out it will be what comes in the front door, that is what is self-directed by people who work together in the library and we need to create places for people to do that of all ages. The other thing that came up was the texting. Here's an area where we tend to respond to things we know and what we know right now are computers. But the other comment that joan made which I think resonated with your staff is that by the time this library is built, the primary tool may well be the cell phone. And so we can't know what that's going to look like but we have to anticipate it and plan technology to support it. First and foremost the library must be a destination. It has to be welcoming. You've given it an extraordinary site that david lake will talk more about, but it has to be a gathering place for the community. It's also a destination that provides opportunities for collaboration to promote education through conversation. It's a different environment than libraries of the past. It also has to be flexible. We talked at one point about an auditorium, but after much discussion it was realized the real issue is create lively places, and the nature of the environment must support multiple uses. So this is a library in denmark -- or in holland that basically a part of the library became a place for music. That's something that will happen in austin as well. It also has to be a place to grab a cup of coffee and read a book. The collections in libraries past tended to be in stacks. There's a recognition that today the collection must be in a place where discovery is the real reason for it being there. So the picture here shows basically parts of a collection that would be changed often in an environment connected to where the people come in and sit. So it's a different environment and it's critical to the idea of discovery. And then technology. As I said, this building won't be finished for four years and the smartest thing we can do is expect the fact when it opens we'll have to change it. Technology requires flexible infrastructure. It's not as pressures precious but it's critical as a library for the future. The other thing is the real users of technology today are our children. And we have to provide places for them to access information in a way that's comfortable, convenient and fulfilling for our children. I've heard the story recently of one of our clients who bought a new car and couldn't figure out how to run a new navigation system. His 9-year-old said dad, just push the button. That's what our kids do, we don't. But it has to be an environment that encourages that kind of exploration. So it's an important part of this library. And then also one that recognizes the technology will change the way we read. The picture is an ipad on a shelf. In the ipad is a shelf. What is a library? What is the product that will be carried in the library? Once it was stone tablets, scrolls, paper in the future it's going to be some electronic. There's some holdouts. There's some who will always want the paper book. I'm a kindle guy, but we have to support all of us. So it's important that the library have that kind of flexibility and adaptability. Then reading. It is about reading. But whether it's a father and a child sitting quietly and reading or a group of kids getting together on a saturday or an individual kid reading his or herself. The building has to be adaptable, the furniture has to be adaptable. It will not be the hard chairs I find in the boston public library. It has to be something that moves with the kids. These are the things that drive the program development that we've been working on for the last basically year and a half. But truly the evolution of the process has been dramatically influenced by the technology changes just in the last year. And that's been hugely important in the development of the strategy for the development of the program for this library. With that, david. The library is the destination from the hike and bike trail. So when you go to lady bird lake or shoal creek, you'll always want to stop by the library. Make it a part of your daily routine. Capturing austin's love for the outdoors by embracing the outdoors. And what better way to embrace the outdoors than from a porch. And we can screen the mosquitos out, we can do lots of things to make outdoors really comfortable with fans, screens and again capturing austin's love for the outdoors. Austin's reading room should be friendly and formal where it's a place citizens access knowledge outdoors and in. As we heard from the citizens, libraries should be sustainable. It continues austin's commitment to conserving resources and energy. Be truly green. Just as the new twin oaks branch on the right, the library should conserve and create both energy and knowledge. That's such a good line I'm going to say it again. The library should conserve and create energy and knowledge. And

that to me truly reflects austin's spirit. A critical aspect of being sustainable is have daylight present everywhere. Something else the citizens requested. Light filled interiors inspire, nurture and promote human health and productivity. And finally, a central library will be unique by reflecting austin's remarkable culture and diversity. To become austin as a welcoming open house for knowledge by providing access to information, getting power to all its citizens, but becoming the wonderful symbol and landmark fitted to this perfect site. We're excited to continue our journey to create austin's central library and austin's library for the future.

>> Thank you, david. Council, now what I would like to do is walk you through the -- our recommended project budget for the new central library and how we plan to fund that budget. First of all, it was determined by two driving elements. David talked about the ideal square footage, the ideal size of the building for the site in the seaholm district is between 185,000 and 200,000 square feet. Anything bigger to site would not accommodate. And the other driving factor is looking at the cost per square foot. We are looking at estimating construction costs per square foot between \$355 a square \$385 a square foot and we believe that will allow austin to build a library for the future and incorporate all the elements you just heard about. It will be a destination. It will have forward focus technology. It will have to have flexible and adaptable equipment and furnishings to go with the blended spaces and finally we believe this range will allow austin to build an iconic building, a 100-year building at a very important site in the seaholm district area. So now for the next we'll walk you through how we plan to fund this \$120 million project budget. We have a variety of funding sources. First we look obviously at the \$90 million from the 2006 bonds. Second we will recommend repurposing the original \$10 million in sale proceeds from block 21 away from an operating endowment to put into the construction budget. I know the library and brenda have worked with the library foundation and they support this and they will be refocusing their fundraising efforts an even chancements to the building -- enhancements to the building. We've heard about the need for forward looking technology and the need for the equipment and furnishings to be able to adapt to the space. Because of this we believe these items deserve their own budget. We would recommend issuing contractual obligations which are a form of short-term debt in the tune of \$15 million. The new library will be bigger than our current faulk, approximately 60 to 80,000 square feet larger. It will need additional books. The currents book budget for the library is funded from the general fund. We would recommend there's a need for \$4 million additional books to get that library when it's opened. And we would recommend over the course of four years a million dollars a year being allocated throughout the general fund from the general fund budget during the budget process. And finally I think it was alluded to in the presentation about some of the space that would be the public space in the library. In looking at what some other central libraries that have opened recently, the spaces that they create are available for rental and events and we believe revenue generated from -- from these event spaces also as well as any retail component, the food component, as well as parking, we believe that can generate and support an additional million dollars in revenue supported bonds and that would get us to our \$120 million funding plan for the project budget. With that I'll turn it back over to bert.

>> Thanks, greg. Mayor and council, and he we move forward with the project, our next steps will be to present the building program to the library commission next monday. We certainly believe that a lot of the public would be very interested. We're going to return back to council on december 9th for your consideration to move forward into the schematic design phase. By next summer if the council approves, we would like to bring back the results of that schematic design phase. We would look at a 30% complete building design and then, of course, go back to the library commission as well as the design commission. We also intend to complete the design development by the winter of 2011 and come back to you with a 60% complete design package to you. In addition, by the summer of 2012, the design phase should be completed and allowing construction to proceed by the -- by the started of january of 2013. And then we anticipate the construction to be finished by january of 2015 which we believe will be a very exciting grand opening ceremony in the summer of 2015. So mayor and council, in conclusion, this new central library will be as unique as austin. It certainly -- to make this library reality, again we will be coming back to you and appreciate all your support and staff is prepared to answer any questions.

>> Mayor Leffingwell: Questions for staff? Councilmember riley.

>> Riley: Well, bert, I want to thank you and staff for the presentation and for all the work that's gone into this and really want to congratulate everyone involved on figuring out how to achieve the caliber of library that this community wants and expects within the budgetary constraints that we know we have to work with. So that was a tough problem to take on and I salute you for having figured out how to get there. I do have one question about the -- actually relates to the use of the current central library, the faulk building. Some concerns have come up from the austin history center association about, you know, the council is on record supporting that the use of the current faulk building as expansion phase for the history center once we have a new central library in place and the central library can relocate. Can I ask, I know there's been consideration at times about whether the library would need to retain some of that space first for its own use for the central library. Can you tell me where that stands now?

>> I think, councilmember, there was an earlier consideration, but for a lot of reasons, first of all the biggest one is that as we presented to you today in this proposed building program, there will not be a need to do that for the simple reason that we've accommodated not only all the needs from the public but also all of the needs from an operational perspective, everything that includes a staff and all of the appropriate parking that we need. So to me that is the first issue. The second thing is that i think it's safe to say that for efficiency and cost effective reasons that really would not be the preferred method because even through the expert joan frye williams and extensive discussion, she's currently working with a number of cities that did that many years ago and now they are trying to figure out how do they bring staff back into the current facility. So it's obvious that because of effectiveness and efficiency and the other thing is all of our staff are cross-trained to provide, fill in in a number of roles and jobs throughout the facility. So-in these tough times, all of our staff need to be nimble in the fact they need to step in in all aspects. We believe for a lot of reasons and the fact it's not really necessary that we don't think that's a viable option.

>> Riley: So as far as you are concerned there's no impediment history center having use of the full faulk building.

>> We believe so.

>> Riley: That's grated. Thanks again for all the work.

>> Mayor Leffingwell: I would just comment that looking at your funding plan for the 120 million, you're not including any donations from the private sector and it was always contemplated that would be the case. I believe it will still be the case, but I -- I applaud your effort to be conservative in that remember and so that you have a plan to at least fall back on. But I -- I understand that the plan for the library will be flexible enough so that we do -- if we do have additional funds, we can put them to good use within this design facility. Is that correct?

>> That's correct, mayor. I think it's safe to say that we're willing to take any and all amounts.

>> Mayor Leffingwell: I'm going to be working on that so all of you out there, you see me coming, be careful. Councilmorrison.

>> Morrison: I want to thank you and congratulate you and when you look at these pictures and hear the thoughts of what's going to be created here, it's very, very exciting. And I think one of the real keys to the success is the flexibility and knowing that we're designing something for use that we don't really know and making sure it can change and evolve so it's very exciting and I can't wait.

>> Mayor Leffingwell: Any other comments? Thank you very much. We look forward to seeing you ON DECEMBER 9th. And now, council, we'll go back to consider f-2 and f-3. And begin with our folks signed up to speak. I believe the first speaker is paul saldana, and paul, I know you had time donated to you. You are signed up neutral officially so welcome.

>> Good afternoon, mayor and councilmembers. I'm paul saldana, speaking on behalf of the contractors. For the last several months hispanic contractors along with the black contractors association have continued to advocate for inclusion and transparency on the formula 1 development. We've raised the question whether or not the proposed requests trigger the third-party agreement policy essentially requiring full compliance with the standard and principles of the city's m.b.e. w.b.e. ordinance. The third policy party acknowledges the city of austin continues to enter into multiple third party agreements which provide for construction of public improvements including economic development agreements. It is the ongoing position of hispanic contractors that items 2 and 3 on your agenda today constitute a economic agreement. For formula 1 given the action items -- in water utility improvements needed for the formula one track. The issue at question is the definition of economic development agreements as outlined in the city's third party agreement. Not necessarily the ser process itself. Late yesterday we were made aware of the city's legal opinion and while would do not agree with the legal interpretation we were pleased the recommendation included language that nothing prevents the city from negotiating with formula one and obtaining volunteer commitments to encourage m.b.e./w.b.e. Participation. To date we also remain unclear regarding what potential role and/or action items the city of austin may be asked to consider in support of formula one, development and or the he length. We firmly believe that local small minority women owned businesses should have an equitable opportunity to have meaningful participation in the development. Transfer we are respectfully requesting the council adopt at a future council meeting no later than december 16 -- i know you only have a couple more council meetings -- stating the support for m.b.e. And w.b.e. inclusion. The commitment taken to obtain a consultant and engage in ongoing discussions with our associations are steps in the right direction and we remain optimistic. I do want to say that given that the council subcommittee issues did not have an opportunity to meet, we had difficulty getting quorum, our hope we would have been able to vet this issue but unfortunately we didn't have an opportunity to do that. nealy was here earlier and I'm-"it's unfortunate he had to leave, but the commissionings took very effect actions and directives to the staff. One was follow through with the legal pun. They also requested a full briefing-

[buzzer sounding] -- and then asked the council to adopt the resolution that we're asking for you all to consider at future council meeting. Be happy to answer any questions you may have.

>> Mayor Leffingwell: Thank you.

>> Thank you.

>> Mayor Leffingwell: Next speaker is debbie russell also signed up -- pardon?

>> Mayor?

>> Mayor Leffingwell: Mayor pro tem.

>> Martinez: Just want to get a followup from law on the legal opinion that was given to council regarding mr. saldana's request.

>> Sabina romero. The law department and outside counsel took a look at the arrangements and it's not a vehicle because our program applies.

>> Martinez:, does apply and the contracting that would occur, but it doesn't trigger, in your opinion, the third party agreement that is in effected in some of our other development agreements.

>>

>> we wish to register our support. As adjacent landowners we are interested in the wastewater extension request you will be voting on. Due to the rapid planning by the consulting team, we understand that much of this planning is in flux even as the city council is voting on it. For example, the current alignment of wastewater lines through the site have significantly changed from the lines shown

on the water utility map that is in your agenda backup for this item. Based on our meeting on november 16 with syad who is division manager and tom ellison and charles bringingsins, the design engineer, the new water alignments are shown on the map given to us and that's the one in front of you. I've got a second map if you could flip to it. You really can't see anything so I highlighted their map with the outline of the formula one track and I put the wastewater lines on a little darker. The green line is the 30-inch line and the red dashed lines are the ancillary lines that are going to flow into it. We are asking the council to accept this map as a significant consideration for this agenda item. We want to clearly understand the wastewater alignment that the city council will be voting on. Another issue we would like to mention is the fact with the exception of the main 30-inch wastewater line, none of the proposed feeder wastewater lines have yet been sized due to the rapid design pace for this project. However, all of these lines are part of the sr 2956 which you are voting on. We have been assured by tom ellison that the city will require each of these lines to provide adequate walt capacity for all upstream as well as the f-1 site. We are city council to emphasize the proposed lines will be public infrastructure and must be adequately size to do facilitate future development of all land in the upstream watershed. Your current backup map only she's these lines as easements, however, charles has verified most of these wastewater lines will need to be constructed prior to completion of the f-1 project due to the fact they are located underneath the actual race track. As adjacent property owners, we are seeking your assurance that adequate wastewater --

[buzzer sounding] -- capacity will be available when we wish to develop our properties. Thank you. Appreciate your time.

>> Mayor Leffingwell: Thank you. Next speaker is ben schaatz. Remind you you we are talking about service extension requests and related topics.

>> These are general remarks. Mayor, mayor pro tem, councilmembers, my name is ben schaatz. I've been a resident of austin since 1971. A time when no one locked her door and everyone stopped at stop signs. Quickly learning to enjoy that. I swore I would never live in a city where traffic reports were a daily item of a.m. Radio. Here I still am. I guess since I was growing and changing in unforeseen ways, I learned not to get too bent out of shape, that austin was growing and changing also. As you all know, it's been a spectacular growth and not just in quantity but also in quality. From that relatively sleepy town back then to among other things the live music capital of the world and silicon gulch and a pickup university on par with the best of the other great state universities in this country. We have never been afraid to stand out and show to the world that we have something special here. And now as unlikely as it may seem we are faced with the opportunity of being the host for the united states version of auto racing at the highest level and with the richest international history, an event followed by hundreds of millions of people all over the world. And it comes to pass perhaps for many of these people if you ask them to name a city in the united states it won't be new york city or san francisco or chicago, it will be austin, texas. Further and for our own purposes, we will have a local facility that can become the hub for myriad significant entertainment, educational and research and development programs. As with all investments, there are associated risks and a happy out come will depend on doing things as much as possible in a thoughtful and comprehensive way. But austin has never shied away from such a challenge and in this case a project that portends virtually incal cuable value far our city and state and nation we have once again to put austin and texas on the map in a unique way. We should not be looking at this project as a source of intractable problems or making the wrong statement about our values but rather for the ways the facility can in the largest sense be a part of solutions much more than a part of problems. The upside potential is so vast. We should all be pulling together to make this project work for each of our constituencys. It's a challenge, I know, but one well worth taking up. Thank you for your time and all your deliberate consideration on this.

>> Mayor Leffingwell: Thank you. Next is kevin olson.

>> Mayor, city council and city manager, my name is kevin olson. I'm a proud resident of austin for the last eight years. and a -- now a small business owner. My sister and I started the austin grand prix. We are a fan site centered on getting austin connected with formula one fans. The shirt I way proudly in

support of the track. I want to reiterate remarks of the gentleman who spoke before me. He said and I think very eloquently the impact is so vast and incalculable. For as attestation to myself and my cyster is but to the many thousands of existing businesses as well as new businesses that will benefit by this new market really that is being created by inviting this track here to austin. The impact of creating a market that has never existed in the city before as well as never existed in the united states, we've never had a dedicated facility specifically for f-1, the opportunity to create it and mold it as our own in our own unique way benefiting the technological development and the capabilities for research and hybrid technology, advanced battery technology, fuel technology all -- all bring together the total package that we're looking and so excited to bring here to austin. Both as fans and as citizens. I hope you consider the wastewater extension a vital part to the overall plan to bring this new market here to austin. I thank you for your time and have a good day.

>> Mayor Leffingwell: Thank you. Roger krebs.

>> Good afternoon. I'm roger krebs, a 30-year resident of the city of austin. I'm also the local regional executive of the lone star region of the sports car club of america. We have approximately 230 members in the area. Approximately 50% of which , two that live in [inaudible] proper. We are excited about this new racing -- world class racing facility coming to go austin. We hope that you can approve those measures quickly and without much ado. We feel time is of the essence. We look forward to possibly competing at the facility in the near future and we look forward to the possibility of sleeping in our own beds on race weekends. Thank you.

>> Mayor Leffingwell: Thank you. Richard vasquez. Tim wood. Thank you. Ron wattinger. Ron wattinger. Okay. Do you want to speak? All right.

>> Good afternoon, mayor, mayor pro tem and councilmembers. My name is ron wattinger and i have two different roles in this. I'm an adjoining property owner to the f-1 site. I'm also a member of the del valle board of trustees for the dell variety school district. Two different things, whether you are for or against f-1, it's not the real issue here today. The real issue is can we extend water and wastewater to southeast travis county. Before when we needed that water and wastewater at ojeda middle school -- that helps for growth. At del valle high school, that brought kb homes subdivision to the high school. Southeast travis county does not have the infrastructure to support wastewater and wastewater currently. The austin american-statesman sunday had a full page, front page article on how del valle needs grocery stores. How the residents need grocery stores. How they are so far from the grocery stores. and wal-mart are not going to put in wastewater and wastewater lines. F-1 is just the catalyst to get water and wastewater to this area. As an adjoining property owner, I'm very excited when you look at what the alternative was. I'm very excited as a school board member because f-1 has opened their arms and have already started working with our high school, the counselors, the middle schools trying to learn ways to incorporate engineering programs, design programs and hands on activities for our kids to get our kids involved and excited about engineering, environments, technology, and these are things kids need. The school district needs the taxable revenue. This is a huge taxable revenue. It's not a county jail, it's not a dump, it's not a wastewater treatment plant, it's not a solar wind power farm. We can't tax those. I can tax this and it brings much needed revenue especially when we're looking at what the state is going to have to do with school funding. Whether you are for or against f-1 is not the issue today. The issue is getting water to southeast travis county. Please, please whether you are for or against f-1, they are just the catalyst. They are just the upfront money and they will be reimbursed on the back side once people start tying into it, but we're not getting our grocery stores, the roads, the businesses until we have water and wastewater. Please think of that. That is the most important message today. Not whether you are for or against f-1. Personally, I'm for it. I'm an adjoining property owner. If you look where the map is, it's probably within 300, 400 yards of one of my rent houses.

[Buzzer sounding] yes, it will be noisy for a few days, but when I look at the alternative it is much better -

>> Mayor Leffingwell: You just heard the buzzer.

>> Reporter: Thank you. Buzzer.

>> Thank you.

>> Mayor Leffingwell: Howard kells.

>> Good afternoon, mayor, councilmembers, city manager. I'm here to ask your support in this items 2 and 3. I ask that you follow the recommendation of the water and wastewater commission along with the staff and along with the environmental board and the planning commission on other related issues. This is the right time at the right place. Austin needs economic development. And it needs it in the desired development zone. Worst case scenario, you are going to have water and wastewater lines where we want development. Regardless of f-1. You know, if you believe that what you read in the newspapers, and I'm sure you all do, there has been over 3,000 inquiries about businesses coming, inquiring about the innovation center that the f-1 track will have. So if we have one percent actually locate, that would mean we would have 30 new businesses. And I think we could look at a similar economic boom that would rival sematech in the 80s AND SAMSUNG LATER. To me competition -- or of innovation is competition. And I'm sure that one day all of this will be in our cars and we'll have a problem and we'll hit a button and the computer will talk to the factory and tell us what's wrong. Well, that's is same type of innovation formula one is going to bring to us. They've already brought the terra way construction. You know, I like the fact that there is -- you know, maybe the f-1 doesn't like it, but i like the fact there is the short time line to get this built because I think they can it's going to get built and built on time with your help and I would hope that you would support these two issues and thank you for your time.

>> Mayor Leffingwell: Thank you. Now we'll go to these signed up against this item. Beginning with brand rogers. Got you. Richard pope. To who? Bill bunch. Bill bunch is not here. Chris lehman. Well, he's going to be maxed out. Eric deal, all right. Joe carpenter. Joe. All right. Jean mather. Thought I saw her. Yeah. Deanna lacky. Deanna lacky. Okay. So you are maxed out with those time donors at 15 minutes. Chris, before you start, just to remind you, this is a discussion about service extension requests. You can talk about anything you want to, I'm not going to stop you, but council cannot engage in a discussion of an unposted item.

>> Okay. I hope this is on topic. I am chris layman, chairman of the austin sierra club and we understand there's already been a project approved for this site. One we did not get involved in. We are unpaid volunteers. We have to choose our battles and unlike the previous project the formula one race track proposed for this property impacts austin dramatically. There are health issues. And so we are finding the time here today. Because it does have effects on us. I want to talk -- I know people have been issued copies of formula one for dummies. I've done my own research. I almost call this formally one for geniuses or something like that. We'll talk about what formula one was so people can pressure this cutting-edge issue. I will say this, it has been there. Formula one was the cutting edge of automotive technology as far as cars, aircraft engines, tank engines and tank suspensions. The grand prix racing league did contribute dramatically to these -- for example, world war ii aircraft, the p-51 mustang and the sherman tank both benefited from the type of engines the formula one was racing at the time or close to that time. The reciprocating engines, gasoline. The b-51 received the rolls royce b-12 and example of benefits of international competition, ford did not succeed in winning the aircraft contract but was able to lob four cylinders off their v-12 and drop it into the sherman tank. What is formula one racing today in jumping forward about the full length of formula one's history of about 60 years, is it close or at the cutting edge for personal autos, aircraft begins, tanks, so forth. 30 Years ago the united states left formula one's reciprocating engines behind for its main battle tank when it went to the much better power to rate ratios found in gas turbine engines. I can appreciate the formula one has really mastered th v-8 with the speed with which it can turn over. ROTATIONS PER MINUTE, RPMs, When I was young people were red lining at 6,000 and they've got technological breakthroughs to 19, 20,000 rpm degrees. The gas turbine is capable of five times better and it's the engine of choice for the u.s. Main battle tanks for over 30 years. For 29 years the bradley fighting vehicle has been on diesel. The most recent, the striker, is run with a diesel from caterpillar. This is not a farm la one car. The closest thing to a car that

the army likes to use is the humvee. Those are diesel. Not f-1 technology. And they are even working towards a hybrid technology. Something that granted they seem to be neck and neck with formula one on that. Formula one just adopted hybrid last year 13 years after toyota started mass producing but dropped it for 2010. Of course on the aircraft side where you could drop a v-12 into the fighters of world war ii, not even helicopters are using the reciprocating engines. Our threats global climate change, dwindling resources and air and water pollution. We'll get into how close cars and f-1 are linked shortly. Ground level ozone pollution is a significant problem. Austin is at 75 parts per billion and they've recognized human 60 parts per billion. Ground level smog comes one-third from light cars and trucks and one-third from heavy trucks. It reduces lung growth in children. It's a summertime primarily because of the heat, it's a function of cooking up some of the emission from light cars and heavy trucks. Those are so migratory these smog problems migrate well beyond the urban core. This is going to affect several counties. Currently the national standard 75 parts per billion which happens to be where austin is at this point, but several years ago the e.p.a. Looked at over 1700 studies and saw there was human harm at 60 parts per billion. If they could reduce the standard from 75 parts per billion to 60 parts per billion and based on the progress by 2020, they could save up to 12,000 premature deaths each year according to the e.p.a.'s recent study. These emissions also end up in our water, air borne nitrogen do contribute to the dead zone in estuary and bays as well as fertilizer runoff. Does ground level ozone from formula one impact communities? times march 1992, mexico city set its record the week of their formula one grand prix with days at 420 parts and 380 parts per billion. That's massive. Obviously they have a background issue in mexico city, but that was the last year mexico city hosted the grand prix. I think they learned something. Hope it's a lesson we don't have to learn the hard way. E.p.a. looked at the benefits. If you look in the right column, the labels are in the left column, but in the far is showing us the estimated number of adverse health effects avoided under alternate standard levels in 2020 and this will be on an annual basis if we can improve our air quality standards. I didn't think -- laser. I've highlighted a couple that are kind of important. Starting at the top, hospital and emergency room visits 21,000 a year in the united states. Aggravated asthma in austin and in texas in general 6% of children suffer from asthma and 15% of 18 to 24-year-olds suffer from asthma. Days when people miss work or 5 million days a year, workdays or school days a year. And they hope to avoid 4 to 12,000 premature deaths due to ground level ozone. That's more than all the other causes of these things, just isolating those caused by ground level ozone. In ground level ozone trends continue by 2050, there was a study, pmd, and as a researcher at the massachusetts institute of technology, they project 2 million premature deaths worldwide if ground level ozone trends continue by 2050. The cost they estimate is \$580 billion in \$2,000 equivalent. This doesn't count other issues like global climate change resulting in the carbon emissions. This multiplies out at 5.25 million hospital and e.r. Visits worldwide. 14.5 Million asthma incidents. And 625 million missed work and school days. Austin will have to bear some of that. Cars and trucks contributing -- I've already covered that. The reason I link this to formula one is two-fold. We're going to have a local impact because they are going to bring in according to the state of texas 250,000 to 300,000 people on a given weekend. Unlike other festivals which i support and attend, these are going to occur during our peak ozone, ground level ozone formulation days. They would like to come in june. A bad in to bring an additional 250,000, 300,000 people and all that traffic. They are going to be moving around. Racing is marketing. The other link is that the success of formula one is that they are going to spend first of all it's win on sunday, sell on monday. They are going to spend 200 million to 500 million per team per year, that's going to equate to roughly \$5 billion a year for this massive marketing program. That goes right in the face of our efforts to try to reduce ground level ozone and we are going to get overwhelmed. The mix of vehicles on the roads in texas and throughout the united states because of this new link to the united states and formula one and the world's largest economy is that we're going to skew the mix of cars towards worse miles per gallon. People who like formula one tend to like performance cars. They may not be able to buy a performance car but there are cheap cars they can get. This will up sell chevy, camaro. Have you seen the george washington waving the flag, the tag line america got two things right, freedom and cars. Cash for clunkers had us bailing out all of them and we because they tend to push their high profit cars on us setting us up for a lot of problems. More gas guzzlers and smog and because we're going to introduce all these manufacturers that don't manufacture their cars in the , it's going to cut into those that do manufacture cars so we're going to be outsourcing some domestic jobs. Local money issues. Austin trying to get ahead of the ground level ozone issue has invested \$25 million in the inspection and maintenance program but still losing ground.

Medical and lost days cost money. We're spending money on nurses and schools. If they call it, open airway, nonattainment will cost much more, put a restriction on future jobs and growth. Once you get nonattainment you have people fleeing the bad air leaving us a donut hole with reduced tax revenues. Because F-1 is coming during ozone season it's going to very likely elevate our ozone levels probably very likely creating our peak days that will set us into nonattainment and keep us there. They are hoping to have four or five major racing events and racing season is the summer season. That's the preferred time because you get tourism. People are off from school. We're going to have more peak ozone days, it's going to hamper us, reduce our days of activity and cause more sick days. Hot visits rise in proportion to ground level ozone increases. Direct correlation. I'm not here to defend wandering creek. My feel when you compare the carbon footprint to the carbon footed front of formula one, formula one are peak events. They are concentrating them into one day as opposed to spreading them throughout the year including the winter. And we are not -- formula one coming to this site does not prevent that many people from moving into southeast Travis County. It basically has them drive further. Those 1800, 2100 homeowners are going to be driving further. The footprint actually increases. Nationally, and this is an odd thing for me, it's a hard thing to pit a poor school district against a national interest. But nationally this is going to have consequences. The whole idea of drive to qualify, gas hike, defaults on homes, foreclosures we're going through, a lot of people bought too much car and drove until they could afford the home avoiding city taxes, driving to the land was cheap enough, good deal on the house. Unfortunately they got caught pay for all that gas to get to and from work and it made it hard to make house payments. Tom Pickens has talked about the transfer of wealth. In ten years he anticipates will lose \$10 trillion, we're going to be that much poorer just to buy the oil we need. The solution isn't drill baby drill. When that's exhausted further decline. Bill Clinton mentioned September 20th that oil is trade deficit. This is no way for our country to get ahead and for us to get behind this is so contrary to our global climate change initiatives and the fact we're trying to get green and attract green industries. Cutting evenly of 2010? No. 1960 Maybe. They tried regenerative braking last year but Lexus, Toyota, Honda and Ford have been providing that for up to 13 years mass producing it. Toyota sold 2 million, over two million Priuses. F-1 isn't even burning biofuel. A lot of people got confused. They told me I didn't know what I was talking about, trying to tell me they burned ethanol or alcohol. F-1 has prohibited anything but commercially available gasoline components so it was directly marketed at the gas stations and requiring that 7% by biomass in their fuel. For 2010 they changed it. Now a minimum of 5.7%. The new minimum is lower than the old maximum. Nobody is talking about how much they are burning or how much biofuel. It could be the same gas.

>> Mayor Leffingwell: Paul Robbins. Pam Thompson. Pam, you have six minutes.

>> Thank you. I'd like to read into the record a letter that my husband and I wrote and you guys have a copy of it. Dear Mayor and Councilmembers, as you contemplate your position on formula one and the December 18th vote on the approval of more than 13 million of taxpayers' money for water and wastewater lines for the proposed F-1 race track please consider the following. In July Senator Kirk Watson published a fact sheet in which he outlined what he called conditions for support reporting formula one. His top three conditions are local government should be fully involved by way of a completely transparent process. Public funds should not be committed to the project without some certainty that the public will fully recoup its investment. The process by which the project economic benefits are analyzed should also be completely and there's a link. None of these conditions have been met. The process has not been completely transparent. There is no certainty regarding how the public will recoup its investment and no comprehensive third party economic analysis of the benefits or the negative consequences. The only public city process regarding the formula one plan has taken place in three public meetings, environmental board, wastewater and wastewater commission, and zoning and platting commission. The rest of formula one has happened out of public view. But as you know, these boards and commissions only deal with a limited scope of examining technical aspects of the site plan and other land use matters. The chair at his meetings all emphasized the larger questions about the impact of formula one were not for discussion. Important environmental questions about air pollution and noise pollution were not appropriate. It is not clear how the city is gauging formula one's potential economic impact. As far as anyone can tell, the only economic forecast regarding formula one has come from promotional material provided by Full Throttle Productions. City staff has not conducted a

economic analysis nor has any independent group. Elsewhere formula one is losing money. In australia the cost to taxpayers is greater than the revenue from sales taxes. According to a september article in the age, the cost to taxpayers of staging the event in melbourne for the past decade has topped 235 million. And there's a link to that article as well. Formula one has not been thoroughly vetted. The only thing that city staff has done is narrow the task by -- task site plan review. Senator kirk watson's conditions of support have not been met. There have been no scientific environmental impact analysis that deals with air quality concerns. Other city departments should weigh in on this project. The city's new sustainability office has said they would initiate a carbon footprint study if directed by council. This project is something that ought to be considered in the context of austin's comprehensive planning process. It is premature and irresponsible to cast a vote for formula one at this time. Especially when the vote involves a sum of more than 13 million taxpayer dollars. I would also like to add that -- and if you have the pipeline overlay, all of these states that you see are driving around the periphery of the formula one site. You can just go through those. These are different lift stations or cutoff valves and they have such a low-lying area here in the flood plain that they require to have a shut-down area there. Now, this is the site that we are having for formula one. Don deaver has done modeling what the kill zone would be if the pipelines explode and there is a death penalty know effect. I would request that the city study those before and here is the site with all the pipelines going through them. The railroad commission is where you go to get permission to move the pipeline and we have heard that their first application was rejected. We don't know really because this has not been vetted fully. Any kind of pipe including water and especially wastewater you should review these permissions before and the pipe should be moved and pressure tested before you allow cut and fill. The electronic shutoff valves are used but manual shutoff valves are required in some circumstances especially in the elevation as I mentioned. And you say that these pipes are going for f-1 and only going to be used intermittently. There are problems with wastewater, with methane gathering. If they are only used at intermittent level times with a low elevation. And it might require more review. So I want you to think of what happened in california when one pipeline blew up and then the rest of them around it did. Now, the 100-year flood plain has -- requires that fema that you get something called a clomer. They have a general approval on the housing because they agreed to do total setbacks from the flood plain. Therefore fema was not really concerned because there was no building initiated in the flood plain. But we were told by the f-1 folks at the zap hearing they were forced into the flood plain by their design and by the size and length of the race track. So that clomer that was issued for the housing is now needing to be reviewed because they are intending to build there. I think that -- I'm wondering if you will require all federal, state and county permissions in place --

[buzzer sounding] -- before you authorize building in the e.t.j. My one last question will you force compliance to austin's pipeline ordinance in this area when you annex it which is required to repay the water and wastewater line that you are voting on.

>> Mayor Leffingwell: Thank you, pam. Next speaker is roy whaley.

[Applause] welcome back.

>> Howdy, y'all. Roy whaley, vice chair of the austin sierra club. Ask you to take a napkin or handkerchief, stop salivating for a second thinking about the tax dollars we are thinking about here and listen to something else. I thank pam for her comments about senator watson, particularly the no public funds shall be committed without a certainty of recouping those funds. There is no certainty here. They have dangled bobbles and there is no guarantee that there will be anything here. The main thing that catches me -- two things that catch my attention on this. Formula one is built on speed. The city of austin, the city council is not. We need to take our time. Just because they are behind schedule doesn't mean we need to jump through hoops to help them get there. If they wanted to do this, it would have been great if they had shown up I recall just like everybody else is required to do and start the process in a more timely manner. But the main thing that gets my attention here is that this absolutely flies in the face of city policy not only of this council but previous councils where we have spent tens of millions of dollars recruiting green and renewable businesses to austin. Green, renewable and high-tech businesses to austin. And now trying to expand into medical. All of these clean businesses and now we

hear, and to quote from one of the representatives at the environmental board meeting i believe it was, the eyes of the world will be on austin. Yes, they will. And they will be bringing in the sort of manufacturing facilities that this city has rejected for years and has spent tens of millions of dollars rejecting that. Let's not let that money go out the window. Let's honor the path that we have chosen. This is an oil-based facility. It's going to bring in oil-based jobs. Once again as everything does, it runs downhill to water for me. Do we have the water, do we have the water supply to support these sort of manufacturing businesses. F-1 is an event. It's what happens after f-1. It's the domino effect. Pam talked about the domino effect with the pipelines. The domino effect is we start attracting the sorts of businesses that we have repeatedly rejected. I would say let's please, if they want to build it and they will come, let them pay for it also. The city has no business getting into the infrastructure for this. It's outside of our jurisdiction.

[Buzzer sounding] at what point do they come carrierringconnect 57600 this case why is the city taking 5 million from the pockets of austinites to provide free water and wastewater lines to a privately owned formula one track? Money taken from the water rate hikes on everyday citizens and gifted to fortune 400 billionaires. Just three months ago water utility officials were ringing their hands and begging for tax rate hikes for utility rate hikes for essential capital improvement and now this. Assistant city manager rudy garza said the city reimburses for large water lines all the time and there's very rarely anything unusual about such a request. Well, let's talk about that. Just because we do it doesn't make it right just or fair. I called around to the other cities in central texas and found out austin's policy of 100% reimbursement is far and away the richest in the area. Far more than any other city. I spoke with wayne watts, leander city engineer, who told me, quote, the developer is responsible for whatever costs it takes to serve his development. If we require the developer to oversize the pipe, we will pay only the actual incremental costs between, say, a 16-inch pipe and 30-inch pipe. It's a good deal for the the s we don't want the rest of the ratepayers to be subsidizing the development of others. He said that. I didn't prime him. I asked him about austin's 1100% reimbursement for large pipes and he laughed. Austin is overnowing with staff. We don't have the resources to do so. That's leander. Danny holden, round rock city engineer, said they have a 60 per inch per linear foot which the city reimburses to the developer. Garrett brown, cedar park, said, quote, our policy is similar to leander and round rock. In some cases the city will reimburse the developer the cost of oversizing. Matt b ushack, hutto, said we use the same policy as round rock when it comes to extending water lines. We don't reimburse any of that unless it's an oversized line. If they are required to oversize it for future development, we'll pay the difference in oversizing costs, but we don't reimburse design costs or any of that either.

[One moment, please, for change in captioners]

>> service units at a price far cheaper than our cost, far cheaper than any other city or water provider in the region. Do you remember this from my budget presentation at the utility? We sell a water tap in the etj for \$1,800 and wastewater tap for a thousand for total of \$2,800. Pflugerville charges 6,817, we charge 2800. Hutto charges 5,431. We charge 2800. Leander charges 5,295, we charge 2800. Round rock charges \$6,829, and what do we charge? 2800, Georgetown, 6692. We charge 2800 but our capital costs for one water and wastewater tap in this part of etj is close to \$14,000. That's up from \$10,298 cost \$10,298 calculated in the ordinance, we lose \$10,000 for every set of taps we sell. We sell boerneber any and red attaches of 10,000 below cost and would lose \$23 million. Ed that to 13 and a half million and we have 36 million water infrastructure give away. It is a wealth transfer from existing residents especially burdensome for poor and middle class, the billionaires. I heard people talking about economic development. I didn't know which metaphor to use? Is this a cotton candy rush or is this a cruise ship economy? I am not sure if you are aware of that, say you are an island, port city, here comes the crew ship, they land, the marching band comes up and the may people come up and try to sell them alcohol, trinkets and everything and at the end they live and everybody is sitting around marginally employed. This is the same kind of event, yes, there is some other stuff and once it is gone, it is boom and bust. This is not a 15-year business, maybe it is a 10-year business, we don't know what the lifespan of these are but it will go and then we will have another hole in our economy. We suffer from boom and bust. This is a boom and bust business and we don't need to be part of it and austin has been playing like we are the energy conservation leader, an idea city, con street leader and solar

center, if we subsidize a racetrack we can take a carefully crafted image and punt it into the bleachers because at that point it will just be a punch line. So I ask -- this vote is a test -- [applause]

>> of who you all represent, of where where your heart lies with the city of austin and fortune 400. Some of you are running for reelection. Will you vote today to pick the pockets of the ratepayers, don't sell them short. Charge them the true costs and they will still come. Thank you.

[Applause].

>> So we also have the following people who signed up for not wishing to speak, lance mcundo, josh bridal, james broider, mollie bridle. Garrett, elsey. Jill andal. David andal, teresa mooneswood. Brister knocks, curt rekner, signed up against not wishing to stick, stef ray, simon dodey, an dry hawk ins and -- richard hawkins and richard subtle representing the developer i believe is here to answer questions if you have any, otherwise those are all of the people we have signed up wishing to speak and we can with consider 2 and 3 together. If you have a motion, or if you have discussion, that is appropriate, too, council member spelman.

>> Spelman: I have a question I would like to address to [indiscernible] down the aisle. That is who I was looking for.

>> Greg mcdaris austin water director.

>> Welcome back, greg. You heard brian rogers' presentation a few moments ago.

>> Yes. Glad he is making a couple of classes of claims that i understand. One of them is that in other central texas cities, instead of reimbursing 100% for oversized pipes, they are reimbursing for the difference between the pipes that the party requesting a service extension request would have planned on their own and the oversized pipes we are requiring so we can serve other tracks. Did I understand that correctly?

>> Yes.

>> Why is it that we charge 100% for large pipes? We reimburse 100%?

>> Just to kind of reiterate. At smaller diameters we do an oversizing calculation, where we pay a portion of the pipe but not the full amount, but once infrastructure reaches a certain size, a certain size for water infrastructure, i believe it is 24 inches or larger and wastewater infrastructure, I believe it is 18 inches and larger, we consider it a part of our capital program, something that we would have done any ways, something that we do routinely, for example right now we have a lot of infrastructure projects being constructed by the utility in southeast austin along the 35 corridor that we pay for, and so it's been our long-standing policy in our scr process that the large interceptors and feeder main systems are regional infrastructure that utility pays 100% of the cost.

>> Who owns all of the pipes that are constructed in the service extension request? Do they own some of them? Do we? How does that work?

>> In the end all infrastructure is turned over for public ownership to the utility and anything that we pay for and -- or pay a portion of, as well as anything a developer pays for the internals in a subdivision that go the smaller diameter lines, all of that is ultimately turned over for public ownership.

>> They are building whatever they are building to our specifications but we are going to operate it, except for if they subdivide and sell off individual lots and private laterals, it will be owned by people who own the tracks.

>> That's right. Operate rate and main tan.

>> And they will eventually all go to us?

>> Yes.

>> Spelman: What do you think about the policy that he was describing at round rock and hutto and other cities have paying for the difference on what you are going to have to have any way just to serve yourself and what it is we need you to have in order to serve other people? I think it kind of makes sense to me.

>> Council member, I think it would be good if greg -- we recently updated or scro ordinance and before we respondta that specific answer why don't we respond to the public process we went to get to the scr conference that council approved.

>> Sessions ago the law was passed for public utilities to make sure they are not charging any more the development that is necessary and as a part of that triggered an update to our scr policies and ordinances and we went through a full stakeholder process including several public hearings, all required boards and commission including planning commissions, our boards and commissions, i believe environmental boards, other boards and ultimately the council and that was all approved in, i believe three years ago -- two years ago, that that was wrapped up 2 years ago and this practice and policy have been updated and ultimately apcould bed on by the council so it is relatively new and it has stakeholder input and it has been, again, a practice that has been successful for us. I think it helps us minimize infrastructure issues. The long-term cost for utility is not necessarily just what is up front, that what we really want to try to avoid is multiple pieces of infrastructure that serve the same region. As you said, we ultimately take ownership of all of that and not on the operate it but maintain, replace and upgrade in the future and if we can minimize by minimize infrastructure and the number of systems that we have serving, I think that is ultimately in the interest of the community and the utility.

>> Spelman: I understand that but if they were going to have to serve the track anyway, they eventually have to tie into our system and we would authority -- excuse me -- we would have the authority to tell them if you want the tie into the system, you will have to oversize the pie but you will pay the difference, so paying the price of oversized pipe is not necessarily the only way to avoid -- ensure we have a properly running system, is it?

>> That's correct, but they could also choose to not accept any public participation and the rules that go with that and just build the infrastructure that they want on their own, and again, that could end up with a system that has a bit of a spaghetti works effect, where you have a lot of lines serving the same area, particularly when you are creating new regional infrastructure, it is important for that to be planned and this helps us shape that project.

>> So you are actually telling me we don't have the authority to mandate an oversized pipe, even if we pay them the difference between the pipe they need and the pipe we need?

>> That's right, they could not accept that if they didn't feel that was in their interest.

>> And they could still tie into our system, we outn't deny them acto says our system if we were within the service area.

>> Not by having a certificate of choice of necessity, ccn, we commit to providing service to them, that we can't refuse water and wastewater service by action of our ccn. Where we don't have a ccn, that is possible.

>> But to clarify, we could, in fact, deny but it would trigger other actions.

>> That's right. We may have to desert phyin other actions that they would have available to them.

>> One way to think about this is in order to make sure yes a smoothly running system, we are paying a little bit more than round rock [indiscernible] and.

>> You are fading out a bit. I didn't hear your.

>> I didn't myself very well, either. I didn't miss anything much, by the way.

[Laughter] to ensure we have a smoothly running system with properly sized pipes, we are paying a little bit more than they are paying in round rock but we are ensuring we get the size pipes we want.

>> Yes. Another perspective -- just a perspective, I am not saying it is right or wrong. You can look at this as an economic development incentive, too, if providers have choices on where they go, if they want to choose round rock, hutto, other areas and they feel that austin offers more attractive options for them, that might be another consideration. I think, also, it helped shape the desired development zone, again, by us being able to step in and create regional infrastructure almost exclusively in the desired development zone. We never do this in the drinking water protection zone. I think it helps steer development patterns in directions that are desirable to the community's preferences.

>> I think a question, brian, was the size of our tap fees. He made the claim that the actual test of the cap tap are about a thousand dollars higher than the actual fee we are charging. I wonder if you could respond to that.

>> Every five years, the city goes through a process of updating its -- what we call capital recovery fees and that's required by state law. There is a process by which that goes -- there is even an advisory committee that advises on that and i rogers is part of that committee, also. That is set by council and they don't the capital recovery fees and the amount and they vary, even in our region. Again, they are typically lower in the desired development zone and significantly higher in drinking water protection zone or other areas where the city would prefer development go or not go, and that's something again that occurs every five years. Probably drifted into legal discussions on how and if you can update the fees outside the five-year window, but that's in essence how fees are set and we typically set our fees -- the council adopt capital recovery fees that are less than the maximum that you could charge.

>> The maximum you could charge, I guess, would be defined by our costs? Or by state legislation, or what does that mean?

>> Yes, there is state legislation, a law, that describe it is fee calculation process and what goes into that and how much you can charge and that sets the maximum and you can charge, of course, less than the maximum.

>> If the maximum you can charge is identical to our costs of connection, is that accurate?

>> No I believe we are charging less than the maximum you can charge.

>> I understand that. But are we charging arioses of connecting a new user to a system? Or are we charging the actual cost of a new user to a system?

>> I think I understand what you are asking.

>> The tap fee is reimbursement to us will cost you something to hook you up. Are they charging -- are we charging the amount it is going to cost them to hook up into our system? Or more or less?

>> I think it depends on what you would consider the cost to hook them up to their system and, again, some of this is governed by legislatively what you can put into those fees for calculations or not and i think people would agree or disagree what is in there. I honestly can't render you an opinion today plus

the areas of exactly what it costs to connect, I would say probably not.

>> Is this something we are going to have to

[indiscernible] we had a rate raise a few years ago? Right and we had somebody go through our costs and we are throwing up our distribution of costs between industrial and commercial on one hand and residential and commercial on the other? We were working towards each class of customers pay their actual proportion of the total system costs? Am I right about that?

>> We did a cost of service study but that really drives the volume metric charges that you have -- how much you charge per water each month and your meter fees and the like and capital recovery fee process is a separate process i described, a five-year process. I think it is coming for an update in 2012 but I have to verify when that window comes up again. Do you know?

>> Council member, what we can do is before you get back to your office, we have a copy of the calculation for the capital recovery fees and explanation of how we got those numbers.

>> You got the words out of my mouth. I would like to see those details and not spend any more time chasing down this rabbit trail. Thank you very much.

>> Are you finished?

>> Mayor leffingwell: Council member riley.

>> Riley: Just a couple of more questions, we had a couple of adjacent property owners here raising concerns about whether the pipes that go on this site will be adequate to serve development in the area, beyond the formula one project, and have we looked at that and how is that addressed?

>> Yes, and I would like to turn the dyas over to david juarez, the assistant in planning, he has been more involved in those discussions than i.

>> Okay.

>> I am dave juarez assistant director of austin water. We took that into account as part of the sizing of our lines, we looked at the surrounding properties and so as part of our long range planning efforts we modeled the system and looked at anticipated growth typically within 20 years to 40 years depending on the type of development we are looking at. So there is adequate capacity to serve the needs of those adjacent properties.

>> And then another speaker asked a question about access to the lines, in the event they require any kind of maintenance. Will we have any issues of getting to the pipes if, say, they are carried under the track?

>> No, what what we are doing now, the part of of action you retaking is the case of the developer, f1 provide easements to the city. These easements cross their track, their property and we are working for them and they have to provide internal lines as well. So in discussions with them, they are looking at sizing of those lines that should be adequate to provide service to the adjoining tract. One thing to keep in mind is the tract or the property owners that spoke -- that were mentioned earlier. They are very el relatively small, so the minimum pipelines are 8-inch lines or 12-inch lines should easily accommodate their development within 100-acres or so, working with f1 engineers they are working at sizing the lines and perhaps providing sleeving in the racetrack, there won't be a need to worry about future maintenance on that track.

>> Another concern was raised about the presence of other lines that are already in the area, in particular gaslines that may pose a potential safety hazard, especially with a racetrack going right over

the lines? Have we examined the lines and any implications they may present with either placement of our lines or placement of the track itself?

>> Yes, as part of the review of the construction plans, that is something that we also get involved with. The action you are taking today, again, it is just conceptually bringing the lines out there and providing the funding for us to continue working with the f1 development to design the facilities needed. Again, part of the construction review of their plan will follow all of the normal city reviews with other departments, so if any improvements need to be made with those gaslines, that will be taken care of prior to us approving any plans.

>> Okay. And then I have a general question, which may be a question for greg, about our policy with respect to reimbursement for water and wastewater infrastructure in the area. Is it fair to say that one reason for the policy in an area like, say, the 130 corridor is that the city has an interest in having its infrastructure extending into these areas within our etj, outside the city limits, in as far as that if we want to provide the service, then you might see muds and puds and oh entities stepping in to provide services of their own? Is that part of the basis of the policy?

>> Yes, if ultimately we put in our didn't want to serve, you would likely see some of those responses. In fact, I mentioned our southeast area, back in '06, this was a lot of legislation looming for muds to be created throughout that region and that's when the utility stepped in and said we would provide regional infrastructure to keep those areas in our etj served by -- by our utility.

>> Riley: Because once a mud takes shape and provides service in the area, it becomes harder for the city to obtain and exercise control over other development in the area? Is that right?

>> Yes, I think typically muds are, you know, if not don't the right way are unregulated per se that from the city's perspective, they could have poor outcome.

>> And let me also be clear. The scr ordinance is not -- does not identify specific geographical areas, it applies city wide and clearly that is one of the mazoros stated.

>> Help me understand that, rudy. If we don't do -- if we don't follow the same policy in the drinking water protection zone that we follow in the desired development zone, then how can it be said it is the same policy city wide?

>> If I could clarify. What is different is what we do in the drinking water protection zone is we do cost reimbursement and cost participation. That is follow allowed in the drinking water protection zone so as part of our incentives if will in the desired zone we allow cost participation and cost reimbursement.

>> So it does apply to someone differently in the two zones. Okay. All right. Thanks. any more questions, council members? I will entertain a motion on items 2 and 3 together. Mayor pro tem moves to move 2 and 3. Second?

>> Second by council member shade. Further discussion. Council member morrison.

>> Morrison: I would like to say that I am going to support this motion. For me, this is not a vote on whether or not formula one happens. It is a vote on whether we control the water system that where formula 1 might be. As I understand it, there is going to be discussions later next year about whether or not the city of austin is interested in participating in economic incentives to the tune of what I think I heard is \$4 million per year for ten years, and obviously at that point in time, in order to consider or that request, there is going to be a whole lot more information that's needed in terms of economic costs and benefits, environment issues. You know, several were brought up at the environmental board. Several have been brought up here today, including safety, noise, air quality, and so I will certainly look forward to working, I hope, proactively with these folks and our city staff in the coming months and I hope to work in part through our council subcommittee, to be able to get some of this information out there and

discuss and available to the public so that there will be plenty of time to consider future actions. But as I said, for today, I will support this motion.

>> Mayor.

>> Mayor leffingwell: Council member cole.

>> I will also be supporting this motion and do not view as this any particular kind of comment on formula 1 coming, staying, to doing, anything like that. I just went the vote for this because I see the infrastructure is not in place for the 130 corridor and we have been struggling with how we are going to do that for almost the entire time I have been on council so if we take a step to grow the city east and away from the environmentally sensitive areas, that that deserves my support. Any other comments? I will just say that I, too, will be supporting the motion and as has been previously stated, we are not talking about approving a certain incentive package or anything like that at this point. All we are doing is approving a water extension and a wastewater extension. Those other items will be dealt with at a later date, I believe I am correct to say, that formal applications to be a formula city cannot even be made until about a year prior raised which would be no sooner than next summer. We will have ample time to study all of the issues involved. All in favor say yay. Yay. Any opposed say no. I think that was passed on a vote of 7-0. Which brings us to item number 2. Item 20 was pulled for speakers, so we will go directly to them. James Clark, James Clark, neither of the individuals are in the chambers so council entertain a motion on item 20. Council member Morrison moves approve. Second by Spelman. Discussion? All those in favor, say "yay". Opposed say no. Passes on a vote of 7-0. Item 21, also pulled for folks sign out up wanting to speak. Gus Pena, Dr. James Clark. Neither of the speakers are in this chamber. I will entertain a motion on item number -- whoops, excuse me, let me get the right item here. Those are the speakers. Entertain motion on 21.

>> Move approval.

>> Martinez: Cole move approval. Any discussion? All those in favor, say "yay". Anybody who opposes no? Passes on a vote of 7-0. Item number 26 and item number 26 was pulled by council member cole.

>> Cole: Thank you mayor this is the long range plan for land facilities and long range program and we needed to amend to give further directions to staff that we need to make corrections for the acreage and include a cemetery -- cemeteries in the executive summary at the discussion of Wallace Creek at a priority at the addition of relevant information from the urban park stakeholders group, and to recognize today's VM used downtown plan and the Waller Creek plan so they are all together in regards to high density areas and given those amendments, the direction, I will move approval, mayor. Hold that approval and second until we hear from our speaker and we will honor the motion and the second. But Sherron Blithe. She is signed against the item and you have three minutes.

>> Hi, I am Sherron Blithe representing Austin Ramp which stands for rescue Austin Memorial Park cemetery. We were the group that requested the executive summary in the parks long-range plan and I understand that is in the works and I hope we will get a chance to review the wording of it before it is brought back to you but I would support it if that executive summary is put in there about the cemeteries. Thank you. Thank you.

>> Cole: Mayor, I would like to briefly address that comment that, we will have it come back to us after it goes to par or those minutes.

>> Mayor leffingwell: Motion by council member Cole to approve. Second by council member Morrison. Discussion? All those in favor, say "yay". Opposed say no. Passes on a vote of 7-0. Brings us to item number 60, which was pulled by council member Shade.

>> Shade: Thank you, mayor. I pulled this item just really for one reason, which was just to call attention to the fact that -- well, I guess it was five months ago when we passed the resolution as reference. In

this resolution it was in june and at that time we had a -- you know, a split council, it was a 5-2 vote but it was the beginning of a process to start people talking about how we might be able to change our program in a way that better meets the needs of our citizenry and so I am pleased with the fact this resolution is here in front of us and that I am expecting and anticipating it to be a 7-0 unanimous vote, which I am very happy about. And I think there has been some good work that has been done and good dialogue but -- and I was willing to extend the deadline, but i really want to emphasize how important it is that this committee that's charged with this very important task stay busy and really get to the details as quickly as possible because that's the only way we are going to be able to move forward and I think we spent a lot of time over the summer at kind of a high level and just last night i was informed that the heritage society came up with a list of very concrete recommendations that I would like to direct back to you, along with the recommendations the staff also put forward to really get the dialogue going on the details so that we don't see another pushback on this deadline, and if anything, i would like to see this committee, who I know are very hardworking, dedicated volunteers, I appreciate that but the -- if they came back early, that would be wonderful. So I had spoken to -- I am out of time. Okay.

[Buzzer alarming]

>> Shade: Sorry. i never put a timer on a council member before, but>>

[laughter]

>> Shade: That is a good exit. But I did talk to jerry earlier to let him know about the vote that was taken by heritage society board so I won't make any formal amendment to this resolution. I am happy about it and glad to be supporting it, but, again, anything we can do to get into the details so that we don't flip again on -- slip again on the deadline would be much appreciated.

>> Mayor leffingwell: Council member morrison.

>> Morrison: I am fully supportive of your comments, council member shade and i also want to comment that i know that there have been some needs and requests for data from staff and it's complicated and I know we have resource issues in the historic preservation office in terms of being down one, but whatever we can do an just the highlights to city manager that that's another component of moving this along and how critical it is from our perspective, because it is moving along. With that I move approval.

>> Mayor leffingwell: Council member morrison approves to approve item 606789 is that with the additional direction provided second by council member shade? Any discussion? All those in favor, say "yay. Opposes no? Passes on 7-0 and I want to go back to item 34 because we have two people signed up to speak. First is kim goyett, tracy fuller in the chamber and you are donating time. So kim, you will have 6 minutes.

>> Thank you, good afternoon. I appreciate being here to address the issue of ite 34. My name is kim goyette, I am a business development manager with allied barton security services. Allied barton was one of the bidding companies for the security contract for austin energy. Upon receiving the original valuation matrix for this best value award and seeing that there was initially 1 point separating allied barton from the recommended company, we requested a meeting with the buyer and subsequently protested the award. The protest was acted upon. However, we believe that the subsequent pouring was a mere attempt to justify their selection than to seriously re-evaluate the scoring meth. The final scoring was readjusted from a full point scoring meth to scoring at 100th decimal point to calculate the final points value. Our primary concerns with the scores are in the corporate experience category, which according to the austin energy buyer is completely associated with the references that a company provides. While there are several scoring criteria listed for the category, the buyer and her manager explain that all the data for that category was gathered for the references provided. If you look at the second page of the evaluation matrix, you will see the information used to score the bidders was not consistent with what we were told by the buyer. The information scored was indeed not at all information

obtained by contacting references. Secondly, the evaluation categories were not consistent with the items that were published in the and were discussed in the prebid meeting. Two first page of the evaluation matrix shows that items that were published as evaluation criteria, the second page shows what they actually used. Nowhere on the published list does it say that extra points would be awarded for providing information on specific training topics or isocertifications. You can't penalize a bidding company for not providing something that was never requested. Third, one of the items were allied barton is graded lower in references is where the other bidder provided names of large clients that it services. Allied barton's proposal reference that we service 200 of the fortune 500 companies. We certainly have more than 7 companies referenced by the other bidder. The fourth point that we would like to attention is that allied barton has provided subsequent information which includes detail on the items scored but not requested. Specifically we provide security on more energy and utility companies than any other security company including having the security contract with for the largest energy provider in texas, which is cps in san antonio. We also provided subsequent information that demonstrated our experience with providing training for nark compliance and we provided the lowest pricing for this contract, nearly \$75,000 less expensive annually than the ore bidder, who was the fourth lowest. Allied barton has provided security for if city of austin for approximately ten years on other contract and we have an excellent service history. We were the company called when the city needed emergency coverage during hurricane katrina, we are a reliable company with a proven track record with the city of austin. We suggest the scoring of this contract was done for justify choosing a company that has been decided prior rather than to effectively and accurately evaluate the company's participating in the process. I respectfully request that the city council table this agenda item, to do your own research into the scoring of this contract. The scoring on the corporate experience category is questionable and the city would be well served to 37 points' difference, that is .37 difference in overall score is valid and were they selecting a companies that charging more than \$75,000, especially when the company being overlooked is a proven performer. Thank you. thank you. Those are all of the speakers that we have signed up to speak. I will entertain a motion on item 34.

>> I have a question for mr. jon.

>> Good afternoon, byron johnston, purchasing officer.

>> You heard what they said about the matrix and how she and her company were evaluated relative to the other companies. I wonder if you could respond to it?

>> Be happy to mayor and council. In fact they submitted a protest and I looked at it, reviewed it and called and talked to their company. They did submit subsequent information. When you have a bid, you can only look at the information. This was z a bid. This is not an r.f.p. It is not something that where you can take additional things later on. Yes, they provided additional information later on that did show their experience dealing with -- with nerk and also some additional experience. Unfortunately, that's -- you don't evaluate as part of the process, you evaluate what they had. We looked at their scoring. We did adjust their scoring up one point. It was very close. They are both good and valid companies. The difference is close between the two. I did look and talked to the buyer. We had the committee review it. The committee reviewed it fierily and according to the solicitation.

>> Did we ask as part of the r.f.p., an rfq? best value, invitation toed by. did we can information specifically on previous experience with the nerk?

>> We said please tell us your experience and list the experience and then list other -- any other information that you want to provide to us relevant to this contract and experience in the electrical industry. Again, later on, they did provide good information for csp and some that they had but they didn't with the bid.

>> Did you specifically ask for experience in the electrical industry.

>> With utilities. Yes.

>> Thank you.

>> Mayor, move approval.

>> Mayor leffingwell: Motion to approve by council member spelman. Second by council member morrison. Discussion. All those in favor, say " yay. Opposed say no. Passes on a vote of 7-0. Council, it is off 00 o'clock, I understand we have a request to consider a postponement on item -- where is that item? The bulkhead item.

>> Yes, mayor, that is item 101. item 101, that's correct. So in the interest of not having folks sit around unnecessarily through the next hour of public testimony and another hour of zoning, if there is no objection, I can take up that item and see if there is support for a postponement. Mayor pro tem.

>> Yes, there has been substantial work on this right before council and i believe folks are requesting a little bit more time. Obviously this could have some significant impacts to private property owners along the lake and we want to make sure that everybody is on the same level of understanding with any potential amendment to the ordinance. So I would ask for another two week postponement, i guess, to december 9. two week -- motion to postpone for two weeks by mayor pro tem. Second by council member spelman. I would ask, since we do have a number of folks signed up to speak on this, if there is one person to represent those, if there are any opposing a postponement, would like to speak about the merits of the postponement only? Is there anyone who wishes to to that? Do that? Eleven. But that is on the item. We are just talking about the postponement. The motion has been made to postpone this item. Is there anyone that opposes the postponement? Seeing none, no further comment, all in favor of the motion to postpone until december 9, I believe? Mayor pro tem? , Say yay. Yay. Opposed say no. Passes on a vote of 7-0. So the item will be postponed until december 9. Go back to item 66, which was pulled for multiple speakers, and we will begin with sherron blithe, and folks if you can hold it down as you exit the chamber so we can go on with the meeting, I would appreciate it. That includes you guys over there, too. You have a number of people donating time, let me read through the names. Ted mormon. Ted mormon in the chamber? She is going to speak rather than donate.

>> Ira perkins. All right. Karen roberts. All right. Greg detman.

>> He had to leave. so you will have up to 9 minutes, sherron, and as a reminder, we are not debating the merits of the shaft here today. This is only a motion to set the public hearing, where, at that time, it will be appropriate to debate the merits of the project. So you have up to 9 minutes.

>> Again my name is sherron and I am representing the spice wood springs road tunnel coalition. The shaft site is upper bull creek greenbelt, chapter 26 requirements are the parks and wildlife code to protect public parks and recreation lands. You have to give notice of taking, no visible or prudent alternatives and reasonable planning to minimize harm must take place before you decide. How can you know the alternatives, making a decision to set a date for public hearing without a genuine engineers completing analysis of alternatives, you don't know. Several alternative also being discussed, if approved there is no incentive for black and beach or mwh to think about use of easements outside parkland. Alternatives are there. How do you know the planning is reasonable? Environmental studies are not complete. The parks and recreation board voted 7-0 to delay the decision until the studies were complete. Environmental board has not voted on the issue in seeking answers to their questions. The concepts are not plans, so how can they do any reasonable planning? No reasonable planning has yet done to minimize harm. We suggest that you wait on setting the public -- excuse me public hearing -- let me go back -- wait for planning development to go back and wait for the park and recreations board to vote on november 30 and wait for conditions of use if needed, let the long established process work, the parkland use may not be necessary. We request a minimum of understanding. If you decide to use the parkland, then that should come first before you set the public hearing. Okay. One more. One more. Memorandum of understanding agreed to before the hearing is set. Mitigation amount is not reasonable. How much is bull creek worth? A point of 247 a person with authority to answer calls from the public if

problems arise, we won't wait for technical memorandums or long reports to come back to council. Does mitigation, no parking public streets, no engine brakes, work hours 9:00 a.m. , no nights and weekends work, truck escorts back and forth to 183 for safety reasons, background checks, no parking on public streets, nuisance compensation to name a few. We need these conditions in the memorandum of understanding if you think that you need to vote to use our parkland because we don't think it's necessary. Haste makes waste. Slow down and do not blunder. There is no rush for this. Let the process work. Delay setting chapter 26 hearing so we can continue to discuss with the engineers and establish a memorandum of understanding. Thank you very much.

>> [Applause]

>> thank you, sherron, and just as a matter of information, there is a -- an ordinance that applies city wide on no engine braking. I only mention that because that was the first ordinance I sponsored when I was on council. Next is phillip kay. And donating time to phillip is eric beal, not here? Me ham mad arami -- mohammed arami. And phillip you have 3 minutes.

>> I think eric beal is here.

>> [Indiscernible] say that again.

>> [Indiscernible] I am trying to find you on the list here, it is not showing. If you sign up now donating time, you can donate 3 minutes to phillip. So you will have 6 minutes.

>> I was going to continue on with the alternatives that sherron had mentioned and earlier I mentioned the alternative of inserting the pipe at the mcneil reservoir, which, again, i brought my little demonstration piece here. The mcneil reservoir is at the far end wtb fort of the other far end and this red line is spice wood springs road and this would be four points. Now, the piping, if it's installed at the mcneil reservoir, we talked earlier about the alternatives, ways of getting the piping all the way through so there would be no problem and no problem necessary to use the spicewoods road

[indiscernible] site. And I didn't mention earlier is the grouting. i think that council member is going to point out that when you rest your prop on that microphone, it makes a lot of noise.

>> Got it. Sorry. In addition to the piping, like I said was a grout. We appreciate the fact that you reduced the activation at the site from -- or activity from the site from being at an excavation point to a retrieval site, but i want you to realize what a retrieval site is. A retrieval site would mean putting the piping that we just talked about, about 250 trucks filled with these 40 -- 40-foot length, 7-foot wide height and then constant activity of installing the pipe or inserting the pipe into the ground with a crane and so on and would go on at least 250 days. In addition would be the grouting. The grouting is the concrete that is put in to this tunnel -- this would be the tunnel, and below the -- within the tunnel -- within the tunnel will be the pipe. Around the 7-foot pipe, between the 7-foot pipe and the 10-foot tunnel is the grout -- is the grouting, a concrete without any sort of aggregate and in order to do the piece from speed wood springs road, -- going from spicewood springs road, halfway up, 10,000 feet, we are talking about, I believe it's 20 million pounds of dry mix. This is not with the water. This is a dry mix. We are talking about 540 to be semis filled with cement powder. The powder. We are not talking about mixing trucks which have aggregate and water in them. This is just the powder. 540 To be semis would be required to bring that amount of grouting powder, the cement powder to the spicewood springs road point just for that portion, not for the whole project. And we are trying to eliminate that. Again, I checked with pgi, one of the largest grouters in the united states, and they assured me that it is no harder to do 15,000 feet than 10,000. Now, 15,000 feet would mean going -- 10,000 feet as planned right now would go from spicewood springs road halfway down to four points, about 20,000 feet between these two points. If, on the other hand, we were to do 15,000 feet, we would dividing this halfn half and they could be doing 15 now here and 15,000 from the other end, meeting halfway and this again, would eliminate the use of spicewood springs road as insertion point for the grout and for the piping. I have spoken with the engineers on the project from master teacher, from vnv, these are possibilities. I think the cost

factors as far as the grouting would be probably determined by the bidding process that you use, in other words, how it is bid would determine what kind of cost feature. If the bidding were put out in such a way that it was cost competitive to do a 10 or 15,000-foot run, the prices would probably be down and I believe this is doable. I spoke with the engineers who said it was doable and it was a matter of cost, and, again, a lot of the cost is going to be how this project is bid. It will be no additional difficulties. You would also probably gain some money in less mitigation as far as the parkland if there is anything to be contended there is going to be less damage there so less mitigation, but this would be a preferable situation for, we believe, for the parkland, bull creek, for everybody involved. Any questions? I would just say once again, a reminder here, that the item we are discussing tonight is just to set the public hearing so that folks can discuss things like you just brought to our attention. Council member shade.

>> Shade: I can't resist saying it because we talked earlier, but I think it is one of the benefits of having approved the flexibility in the options for the way this project is bid going forward. I appreciate the fact that you are talking about the amount of discussion you are having with the engineers and I know that's really not relevant but I couldn't resist saying it since you have been so patient to make your point. Thank you and I look forward to the continued lie dog on this. thank you.

>> Thank you.

>> Mayor leffingwell: Richard pope. I don't see richard pope. There he is. He has three minutes. Haven't I seen you hear some place?

>> I think you will be seeing a lot of me for a while to come and that is probably not a good thing for you all. that is fine.

>> I happen to live right above this site that we are talking about, where this transmission main is going to go. As we have talked about, the responsibilities, my being an engineer, I have traveled all the over the world, I run plants all over the world, I have built plants I live in the real world. I confront the realities in everyday life, and this is a very special city we live in. It's one of the very special cities in the entire world. It commonly hits the United States as one of the top cities to live in. This site that we are talking about here, this parkland, is a very special site. It heads the bull creek watershed. The location of this site is critical to a lot of the habitat and wildlife. It is in a canyon area and it requires and deserves special consideration. Now, I received an email that I referred to earlier about the list -- the noticeta came 24, 36 or more hours after the fact when the work started at the lift station and in there it says this is not related to water treatment plant number 4 or the shaft of jollyville transmission main, but it is, it is germane. What happens at that little site is at the same corner, the same intersection as where this shaft site is going to be going in or where it's proposed to go in and the way that the city has operated on the lift station is germane as to what's going to happen -- what we are expecting to happen on the shaft site. There has been a lot of construction, a lot of debris at the lift station. It has been atrocious. If you look at the details from the pictures you have seen, you can see that. If you look at the site itself, I think it is an embarrassment to the city the way it's been operated. As we talked about formula 1, there are a lot of eyes on Austin. There is going to be more eyes on Austin. Bull creek is special. This construction site is going to go on, you can get to bull creek from the furthest point of the property -- of the parkland we are talking about, in many directions within the confines of this building on one floor. It is a strongly small site. It is very, very small site. With all of these trucks and all of the equipment coming into the site, there is going to be oil and grease, debris, equipment leaks, drop a fluid and here and it is problematic for the creek. In addition, this concrete dust -- [buzzer alarming] -- is very problematic. This requires further review. your time has expired. Janna mormon. Jan, you have three minutes.

>> [Indiscernible]

>> Mayor leffingwell: Mr. waley.

>> I would like to donate my name. you have up to 6 minutes with the donation time Mr. wayly.

>> I am jan mormon and I do live within the neighborhood of the shaft and I have some things I would like to say about -- I was hoping you wouldn't leave. Honestly, I was -- mayor. So in a month, you are going to vote on chapter 66, and there is a lot of work to do and I just have a sense that that work is going to be done. I just don't understand why you need to approve chapter 26, the use of the land before the proposals can be done, but apparently the order of things that have to happen, you believe that -- that you have to have the authority to use the land before they bid and maybe they do and maybe that is important to move first to do that.

>> On the other hand, if austin utility gets authorized use of the land, what is the program that we have? That is what we are looking for, so next month, september 16. I hoped we worked together to hammer out what we can do for mediation point.

[One moment, please, for change in captioners]

>> I know you're going to vote to go ahead and do your -- december 16. You know how to reach us, hopefully. Let's figure out how to be prepared. I'm guessing that you assume by december 16 that you will have the environmental studies that the parks board did, that you will have these things that they say you can't do the chapter 26, please don't do the chapter 26 until you hear these environmental reports. So I'm guessing you're thinking, okay, they say those reports will be coming in december and I think we have work to do on the mitigation because right now the parks board doesn't think that's enough money for the use of the land. So in the next month we have a lot of work to do, and i know we will do it. I will say a great thanks to any negotiation that has happened since we started getting involved. Before we got involved the plans were for the shaft to be the lowest point and now I think the thanks go to members of the city council. Now the lowest point is away from that. And that's huge, because before when something broke all that water would go into bull creek. So we see progress but we don't feel like we're done negotiating, and I don't feel comfortable in going forward with the chapter 26 hearing so in a month when we come back I hope a lot of these points have been addressed, and I know I am more than available to work through those points, because as soon as we give up -- as soon as we give up our negotiating point i don't have any trust. I'm the person who was driving home from work on a friday in the spring and i looked over and I saw drillers and I stopped, it was a drilling rig. There were no drillers. There was a pickax. There was meyer yadic acid, there was a 3-foot tub of water unprotected across canyon vista. And I took pictures, and as I was talking to glen coleman before this meeting, it was like you know what, when it comes down to the person actually doing the work they don't know all the big things we're doing here. They're just doing their work. And if I have to be down there for the next four years checking the site out I'll be exhausted. And I don't think I get paid enough to do that. There's nothing in this project for me. There's nothing in it for me at all, so all you can give me is to be a good partner, to make sure that down to the infinite details we get something in it for us. And please reach out to us and help us work together so that when we do hear the chapter 26, that we all feel like it's a good decision to move ahead and grant that use of the land, because I'm sure that the shaft is going to happen, but let's make sure it happens for the least danger and impact. Now that you've gotten -- now that austin water utility has gotten more time and more money, then we certainly have more time and more money to deal with some of these things. So once again, it's -- you know, what's in it for us, what's in it for you. So austin water utility got a big thing that they want. I don't know what they're going to do with that money that they were going to spend on forest ridge. There's more money to spend doing a better solution here.

>> Thank you, memorize warren. Next speaker is warren johnson. Is warren johnson in the chambers? All right.

>> Is carol atkins still in the chambers? Okay. Thank you, carol. Welcome, mr. johnson. You will have six minutes.

>> Thank you, mayor, and city council members. My name is warren johnson. I am a resident of northwest balcones and I live about two blocks away from the site at spicewood springs road and old lampasas trail. And I want to address specifically the issues now regarding that site. For about eight

months now members of our residence have appeared before various council meetings, various commission meetings, committee appointments and contacted a number of you personally with letters and emails, and we appreciate all of that effort that you've done to support us in that respect. Our neighbors want to thank you for the support that you have given us in the past, and we certainly will need it in the future so that we get a win-win situation on this major project, one of the largest that austin certainly has under planning and future development. At this time there are still a number of issues to be addressed and resolved, and some of those you just heard recently, earlier before my presentation. These include the environmental studies that have been repeatedly asked for this morning already, continuing engineering studies of viable pipe installation and grouting techniques that philip just talked about, and we are meeting always with the people from mwh and black & veatch. So we are trying to maintain a constructive and objective dialogue with those folks. There's some legal and mitigation issues. Sharon just talked about those, and we have concern for the long-term improvements on that site. These are two important issues right now to decide how to resolve the intended initial and, more importantly, the permanent use of this property. It is less than one acre in size. It is really a small piece of property, and some of you who have been out there can see what we're concerned about. Heavily trafficked in that area. The easements requested in the agenda later are very, very important, because we really have to know what are the intended uses for that. It's very difficult to get a precise understanding what is planned for that. This could involve permanent structures, it could involve fencing, it could involve security issues. All of those really have to be addressed and resolved. Until those are resolved, we are requesting that the council today delay this agenda item and consider the earlier nonsupportive decisions from the parks and recreation board and the water and wastewater commission. Let's take the time to do this right. We've got people who are qualified in many disciplines in our neighborhood associations, and we want to stand ready to participate, and we will do it. Thanks very much for your attention. thank you, mr.johnson.

[Applause] is bill bunch in the chambers? I don't see bill. Stefan ray? I thought I saw stefan earlier. Oh, there you are, right there. Okay. Manuel garcia. Welcome, mr. garcia. You'll have three minutes.

>> City council, thank you for allowing me to speak to you. I have about 40 years' experience in construction, starting at an engineer, through construction management, project management and executive working for companies. The citizens of austin rely on you to protect our interests and our neighborhoods. Our neighborhood has valid concerns over incomplete environmental approvals, potentially inaccurate studies affecting the park site. That may infl irrep rabble damage to the site and surrounding protected areas. Our neighborhood is also concerned about the planned shaft construction at the park site and the associated operations that will damage the quality of life in the neighborhood as the park site converts to a fully operational heavy construction work site with associated noise, traffic, pollution and eyesore environment. We ask the city that it request a detailed project execution plan from the austin water utilities that will address the environmental and community concerns with regards to the impact of the work at the park site. Any project of the magnitude and significance of wtp4 will have such a project execution plan. It should be detailed enough to ensure that the project is built safely, meeting environmental and operational quality requirements, with a predictable schedule, a credible budget. Failure to produce such a plan will add project risk and adversely affect the city's ability to fund projects now and in the future. For that reason I believe that the chapter 26 hearing ought to be delayed until the project execution plan is made a public document. Thank you very much.

[Applause] thank you. I believe those are all the folks I have signed on to speak on this item. We also have signed up not wishing to speak but against. Joe carpenter, simon doty, andrew hawkins, pursea pruit, eldon pruit. So with that, entertain a motion on item no. 66. Mayor pro tem moves to set the public hearing, and i assume you mean on december 16 at 4:00 p.m. Second by council member shade. Any discussion? Council member morrison. obviously i have concerns about this since we don't have yet a parks recommendation, so it's rather out of order, and I think that the opportunity to hear from our parks board members is really quite important for this fragile land. I also understand that there are some special restrictions on this land when it was sold as parkland to the city in terms of making sure that if it's going to be used for utilities, that it needs to be reviewed, that the location lean structures and connection need to be reviewed to minimize environmental impacts on the park. I know that the

parks board was interested in getting some information about that. They were interested in getting the results of the groundwater assessment, which we now know from earlier conversation with staff is going to be available in the middle of december. So what I hope might be able to happen is the -- it's a little bit out of ordinary, but go ahead with the -- with this motion to have our to have our -- to have our chapter 26 hearing and have a public hearing, but at the same time as this information becomes available, make it available to the parks board and hopefully they could have a special-called meeting, and then if need be, if they haven't had that before the 16th, we could -- even though we've had the hearing, postpone action and come back to it at our next meeting in january. well, I'll just say that first of all the parks board recommendation on this is only advisory. It's not required. They did have the opportunity to make a recommendation and chose not to at their last meeting, but certainly if they want to request that it be on a meeting sometime before december 16, that would be their privilege, and I'm sure staff would be happy to go present it to them. if I may, mayor, some of the important information that they were looking for before they could make that recommendation was the groundwater assessment, which as I understand, is supposed to be available in mid-december. So I'm not sure how all that timing would work out, but for me it would be very important -- it seems like it's feasible, but it would be very important for me to get their input because they study this -- yeah, and I think the parks board primary function in this case as far as giving advice would be relative to park issues, specifically the findings of fact and not necessarily environmental issues. So -- but I'm certainly willing to hear their recommendation if they're willing to offer one on any subject of their choice.

>> Cole: mayor? council member cole. I just wanted to concur with your decision and council member morrison. I do think if there is additional information available and we are not currently changing the date the parks board at its option to have a special called meeting and hear that information and make that recommendation to us. further discussion? Motion on the table, all in favor of the motion say aye.

>> Aye.

>> Mayor leffingwell: aye. Any opposed say no. Vote of 7-0 approval. So vote to approve is 7-0. guernsey in the -- on the premises? There it is.

>> Thank you, mayor and council. I'd like to go through our 00 zoning ordinance city covenant items. These are items where the public hearings have been closed. The first item I'll offer for consent approval is item no. 75. This is case c14-2009-0110 for the property at 13050 north fm 620 road the to zone to community personal, conditional overlay or gr-co combining district zoning to change the condition of zoning and we can offer this for consent approval on second and third readings. 76 is case c14-2010-0100 for the property at 9800 north fm 620 road. This is to zone the property community commercial conditional overlay or gr-co, district zoning to change the condition zoning, and we can offer this for consent approval on second and third readings. 77, this is case c14-2010-0118 for the property located at 1901 south lamar boulevard. And this is to zone the property to commercial liquor sales or cs-1 district zoning, and you had added a restrictive covenant requirement to this property regarding the decibel level, so I'll just note that for the record and we can offer this for consent approval on second and third readings. 78, case c14h-2010-0015 for the property located at 1015 gaston, to zone the property to family residence, standard lot historic landmark, standard lot -- sf-2 h combining district zoning, and this is ready for consent approval on second and third readings. And that concludes this portion of the agenda I can offer for consent.

>> Mayor leffingwell: okay. So, council, unless there -- we don't have anyone signed up to speak on any of these items, so this will be the consent agenda unless some council member wants to pull o these items from the agenda.

>> Mayor, I'd like to pull item 78 just so I could vote against it. well, we'll just pull that off the consent agenda. 78 is the warner stewart house. So the consent agenda for those items where we've already held a public hearing is to approve item 75, 76 and 77 on second and third readings. Is there a motion?

>> Cole: move approval. council member cole moves to approve the consent agenda, seconded by --

council member morrison? excuse me, on 77, so council member morrison voting no on item 77.

>> And actually, mayor, I'd like to ask a couple questions about 77 if I could. you want to --

>> pull 77 off the consent too. so remove item 77 from the consent agenda. So the consent agenda is now item 75 and 76 on second and third readings. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no? Passes on a vote of 7-0 -- 7-0, because 77 and 78 have been pulled. Okay. Go ahead. thank you, mayor and council. 00, these are where the public hearings are open and there's possible action this evening. The first item I'd like to offer for consent approval is item 79, case c14-2010-0102. This is for the properties located in the greenshores subdivision, known as the greenshores annexation area, zoning area no. 1. This is for consent approval on all three readings, and this would be to zone the single-family residence or sf-1 zoning for tracts 1 and 2 or rural residence district zoning for tract 3 and public district zoning for tract 4. The commission's recommendation was to grant the sf-1 zonings for tract 1 and 2. The rr zoning for tract 3 and the p public district zoning for tract no. 4. 80, this is case c14 2010-0103 for the greenshores annexation area no. 2. Again, this is located in the greenshores subdivision. This is to zone the property single-family residence, large lot or sf-1 district zoning for tract 1, rural residence or rr for tract 2 and p public, district zoning for tract 3. The zoning and platting commission's recommendation was to grant sf-1 district zoning for tract 1, rr district zoning for tract 2, and p public district zoning for tract 3. This is ready for consent approval on all three item 81 is case c14-2010-0104, the greenshores annexation zoning area no. 3. Again, this is for property located in the greenshores subdivision. This is to zone p public district zoning for tract 1, rr district zoning for tract 2, p public for tract 3 and single-family residence, for tracts 4 and 56789 the planning commission's recommendation was to grant p public district zoning for tract 2 -- or excuse me, sf-1 co combining district zoning for tract 2, p public district zoning for tract 1, p public district zoning for tract 3, and single-family residence or sf-1 district zonings for tracts 3 and 4. And this is ready for consent approval on all three readings. 82 is case c14-2010-0104. This is a greenshores annexation zoning area no. 4. This is for property in the greenshores subdivision. It's to zone the property to p public district zonings for tracts 1 and 8, single-family residence, large lot sf-1 district zonings for tracts 2 through 7, 9 and 11 through 13, and lake austin zoning district 10 and rural residence district zoning for tract no. 14. The zoning and platting commission's recommendation was to grant p public zonings for tracts 1 and 8, sf-1 for tracts 2 through 7, 9 and 11 through 13, is for tract 10 and rr district zoning for tract 14 and this is ready for consent and approval on all three readings. Item 83 is c14-2010-0106, the greenshores annexation zoning area no. 5. Again, this is in the greenshores subdivision. This is to zone single-family residence, large lot or sf-1 describlght zoning, zoning and planning commission's rem's was grant sf-1 district zoning and this is ready for consent approval on all three readings. 84 is case c14-2010-0107, the greenshores annexation zoning area no. 6. This is to zone the property for single-family residence, large lot or sf-1 district zoning for tracts 1 and 4, rural residence or rr for tract 2 and 3. Zoning and platting commission rem's was to grant for tracts 1 and 4 and rr zoning districts for tracts 2 and 3. Now, this is ready for consent approval on all three readings. 85 is case c14-2010 108, the greenshores annexation zoning area no. 7. This is to zone to lake austin residence or la district soapg. The zoning and platting commission rem'd the la district zoning and this is ready for consent and approval on all three readings. 86 is case c14-2010-0109, the greenshores annexation area no. 8. Again, this is to zone property in the greenshores subdivision, to zone the property to single-family residence, large lot or sf-1 district zoning for tract 2 and lake austin residence or la district zoning for tract 1. The zoning and plalgt platting comemtion recommendation was to grant sf zoning for tract 2 and la for tract 1. Item 87 is case c14-2010-0110 for greenshores annexation area no. 9. This is to zone it to la district zoning. The zoning and platting commission recommendation was to grant the la district zoning and this is ready for consent approval on all three readings. 88 is case c14-2010-0101 for the property located at 1801 vance circle. The applicant has requested a postponement of this item to your january 13, 2011 meeting. 89 is case c14-2010-0139 for the property located at 5301 avenue h to zone the property to neighborhood office, neighborhood plan or nonp, combining district zoning. The planning commission's recommendation was to grant the nonp combining district zoning

and this is ready for consent and approval on all three readings. 90 is case c14-2010-0155, for the property located at 5775 airport boulevard, suite 200. This is to zone the property as commercial liquor sales mixed use, vertical mixed use building, neighborhood plan or cs-1 mu-v-np combining district zoning. The planning commission recommendation was to grant the cs-1 mu-v-np combining district zoning and this is ready for consent approval on all three readings. Item 91 is case c14-2010-0111 for the property located at site 10301 old san antonio road. We have a request for indefinite postponement of this item. This item would come back to you, would require renotification. 92, case c14-2010-0143 for the property located at 1418 frontier -- excuse me, valley road. This is a discussion item, and so we'll need to come back to this item. 93, case c14-2010-0146 for 9 property located at 794 jollyville road. This is to zone the property to neighborhood commercial or lr district zoning. The zoning and platting recommendation was to grant neighborhood conditional overlay or lr-co combining district zoning and this is ready for consent approval on all three readings. Item 94 is case c14, 2008-0220 for the property located at 10200 to 10614 south ih-35, service road southbound. This is to zone the property to general commercial services, mixed use or cs-mu combining district zoning. The zoning and platting commission's recommendation was to grant a general commercial services mixed use commercial overlay or cs-mu-co combining district zoning with conditions. I'll just note that there is a public restricted covenant that has been executed. There's also a street deed that has also been executed, and I'll just note for the record that tract 3 is a dedication for a roadway, which would be a loop road that would connect 1626 to ih-35 that will actually end up providing access to adjacent parcels that are outside the zoning case, and this is ready for consent approval on all three readings. 95 is case c14-2010-0001 for the property located at 6706 moore's crossing boulevard. This is to zone the property community commercial or gr district zoning. The planning commission's recommendation was to grant the gr district zoning with conditions and this is for consent approval on all three readings. 96 is case c14-2010-0047 for the property located at 7008 moore's crossing boulevard to zone the property industrial park or ip district zoning. The recommendation was to grant industrial park conditional overlay or ip-co combining district zoning with conditions and this is ready for consent approval on all three readings. Item 97, this is case c14-2010-0126 for the property located at 103 robert e lee road to zone townhouse condominium, conditional overlay or sf-6-co combining district zoning. The planning commission's recommendation was to grant the sf-6-co combining district zoning and this is ready for consent approval on all three readings. 98, 99 and 100 are discussion items. 100, mayor and council, we have a postponement request and so that may be a discussion postponement item, on item no. 100.

>> Mayor and council, on item 79 I misspoke and didn't include tract 5 for p public district zoning. Sphoo the consent item for those items where we have yet to hold a public hearing would be to close a public hearing and approve on all three readings item 79 with the amendment you just announced, including tract 5. To close the public hearing and approve on all three readings items 80, 81, 82, 83, 84, 85, 86 and 87. 88 until january 19, close the public hearing and approve on all three readings item 89, to close the public hearing and approve on all three readings item no. 90. I believe I read the date of 88 as january 19. it should be january, I believe, 13, 2011. so amend that to be postponed until january 13. So where did I leave off? Item no. 93? To close the public hearing and approve on all three readings, items 93, 94, 95, 96 and I believe 97.

>> Mayor, I'd like to pull 97. remove 97 from the consent agenda. 100 will be a discussion postponement so we will take that up later. So the consent agenda is as read. Mr. guernsey, all correct? yes, I believe that is correct. I did read 91 indefinitely postponed, did I not?

>> I believe you did, mayor. I'm pretty sure I did.

>> And that you -- include it if I didn't, but I'm sure I read it. So that is the consent agenda, and I'll entertain a motion for approval.

>> Vote approval. council member cole moves to approve, secon council member spelman. Council member morrison? is there someone signed up on 93? let me see. For 93 there is someone signed up on that item, but only if there are questions. oh, okay, I'm sorry, I apologize. so any further discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0.

>> Thank you, mayor and council, I think that brings us back to item no. 77. correct correct.

>> It's an item where the public hearing has been closed. This is for rezoning of a property located at 1901 south lamar boulevard, to a proposed liquor commercial sales or cs-1 district zoning. The council did approve on first reading the cs-1 district zoning. There was an additional condition that the owner has entered into a restrictive covenant limiting the property to a decibel limit of 70 decibels, and that should be in forum on your dais. It's printed in yellow. and i believe that was pulled off consent by council member morrison. Is that correct? No, council member riley. yeah, thanks, mayor. I have a couple questions. First, greg, about the restrictive covenant. I believe there was one additional provision in the restrictive covenant that was just added, and it's now paragraph 2, and in the copy I have, it reads loud outdoor amplified music is prohibited on the property. Is that --

>> I believe that is correct, he has executed a covenant that would also reflect that he's agreed to not pursue, I guess, or have an outdoor music venue on this property.

>> Riley: right. Okay. So that will relieve part of the official restrictive covenant. Okay. And then I have a question about the -- the curb cuts on this site. I visited the site recently with some people in the neighborhood, and we talked about the fact that this -- e -- since this is previously an automotive use, when you look at the site you see -- barely see any curbs at all. It's mostly just the sloped driveways throughout the side. When the applicant moves forward, I assume the applicant would be required to file a site plan and at that time would be required to do -- to do regular curb cuts; is that correct? yes, council member, when this comes back, you have not approved the actual bar this evening. It requires what's called a conditional use permit, the site plan goes before the commission. They would review that and that's actually available for appeal by an interested party, which could be the applicant or a neighborhood organization. At that time they would look at parking the circulation issues on the site, how that would also relate to the adjacent streets. So those issues would come up at the time of the site plan. and that would include the curb cut issue as well? that would include the curb cuts. If they were too close, there was a site plan approved administratively that called for modifications of curb cuts and the parking lot layout. It would come up again in this case except it would be a publicly reviewed site plan and the planning commission would actually have the opportunity to review that site plan at a public hearing and talk about how access is gained from the different streets, those curb cuts as you're talking about -- so it's reasonable to expect at that time the applicant would be required to make those curbs look like regular curbs? make them or move them or close some of some of them as the case may be in order to satisfy the conditions of that conditional use permit.

>> Riley: okay. Good. Is the applicant available? I have -- if I could just ask a question of the applicant. Well, first -- I'm sorry -- well, let me ask, is the applicant -- I want to thank you first for the agreement about no outdoor amplified music. I know that's a sensitive issue in that neighborhood. There are residences across from this place and so that is very helpful and i appreciate your cooperation on that. There is -- there are still some ongoing concerns about noise, and so the question has come up as to whether you'd be willing to -- the business, whether it's you or other representatives of the business, would be willing to work with our music officer, don pits, in terms -- in working with the alignment of the speakers, even live music -- there still may be amplified music, and so there could be some work to do in terms of aligning the speakers to minimize the imposition -- minimize the imposition on the neighborhood. Would you be agreeable to working with the city staff, the sound engineers, to figure out a way that we could minimize the intrusion on the neighborhood?

>> Sure, that wouldn't be a problem. The speaker that -- the speakers that are currently being anticipated are -- say it will be about the size of a silver dollar.

>> Could I ask you to introduce yourself?

>> I'm kareem hajjar and i represent the applicant.

>> Riley: thanks very much. Could I ask staff, is that -- I know don pits is usually working on live music venues but is there any reason why he wouldn't be able to work with the applicant in this case on noise mitigation in terms of just the sound amplification on the site? I don't see why not. I just want to note -- i want to make sure I read the language of the covenants, both to the prohibition, speak to live outdoor amplified music is prohibited on the property. That's the specific language that has been entered into in the covenant so I wanted to make sure that's clear. I didn't have my copy with me earlier so I wanted to read that into the record.

>> Riley: okay. Thanks, greg. I want to thank both staff and the applicant for all your work on this. I think these changes have made for a better resolution of this and I appreciate it. i believe the city attorney wants to make a comment on this.

>> And I just wanted to be sure if we wanted to add that language that you've been speaking about, council member, that it was part of the motion when we made that motion, because it was not part of the original motion council made.

>> Riley: okay.

>> So just for clarity. well, then I would move approval with the addition of a new paragraph, paragraph 2, that live outdoor amplified music is prohibited on the property. That's a new line in the restrictive covenant. motion by council member riley to approve on second and third readings. oh, and -- and, mayor, I would also ask that as part of the motion we ask staff to work with -- work with the applicant on noise mitigation at the appropriate time. and with additional direction. Is there a second? Second by council member spelman. Further discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 6-1 with council member morrison voting no. That brings us to item no. 78. mayor, mayor pro tem, council members, I'm steve sadowsky, the historic preservation office planning and development review. We had the public hearing on this case last time, so I'm available for any questions -- this was called by member spelman so I'll recognize him. thank you, mayor. I was off the dais temporarily when this came up, when we held the public hearing on this case. However, I am familiar with the house. I'm taken a look at the backup. I believe that we have a lot of georgian revival or colonial revival houses in pemberton already on our list. The people who live there were worthy folk but not sufficiently historical prlts to importance. It's in good use and it's not threatened in any way so I'm not sure what public value is going to be accomplished by getting an historic zoning. I'm going to be soaght to be voting against. is there a motion on item 78 or further comment? Council member morrison? last time i believe the owners weren't here. Do you happen to know if the owners are here at this point?

>> I don't know. The agent is here.

>> Morrison: the agent?

>> The agent is here, yes, ma'am.

>> Morrison: is here? I wonder if I might call up the agent and ask the agent to speak to the public value. If you don't mind. Okay. Thank you.

>> Suzanne deadrick and I'm the agent for the house. The owner was here earl earlier but unfortunately had to go to another meeting at the capital. What could I answer for you? well, council member spelman

had just questioned the public benefit of actually zoning this historic, this house historic, and I wondered if you could comment on that.

>> Well, and I wish I had a picture, I would have brought it had I known I was speaking, but there's another house -- there was another house in pemberton that was exactly like it that was in great repair and it was demolished in 2003, so similar, I mean, it could be the same house with a different paint color on it. So when people talk about are these houses in danger, maybe not at this very moment, but they are definitely being torn down. And I guess the second thing is that the criteria state -- it doesn't state that -- or doesn't ask if it's in danger of being torn down. It's just basically does it meet the criteria, which i feel like this one really does. I think warner stewart was extremely important when he headed up the austin housing association and he was the first one to pull together -- I think it was the very first housing association -- the very first public housing, but he was with him for a number of years and I think made a big difference. thank you, mayor. I would like to make a motion. Warner stewart is, I think, a very intriguing character for us and he was head of the austin housing authority, I think not right at the beginning, but he did become the head of it and was in charge of it when we built meadowbrook, booker t. Washington and then the senior housing, I think it was the rbj housing. So having a -- having that leadership, which is also tied to then senator lyndon baines johnson, who did the housing act, for me it's a very significant piece of our history that I believe that we should respect, and I do believe that it fits the criteria. I know that we're talking about changing the criteria, but it does fit the criteria now, so with that I'd like to make a motion to approve historic zoning. motion by council member morrison 78 on second and third readings. council member riley? I'll second the motion but I want to add my usual note that we are not only working on criteria for historic zoning but the benefits associated with historic zoning, and there may well be changes to those benefits in the future and i would expect those changes would apply to this case as well as any other cases that we zone historic in the future. further comments? Council member shade? I'm going to be voting against this one. I did spend a little bit more time after the presentation last time. I do appreciate the comments, but I agree with council member spelman's comments and just, you know, point out that there obviously is a lot of subjectivity and judiciousness in the criteria, and it's, you know, a million-dollar home and a significant tax abatement that's associated with it, and so I -- you know, I have to take that in consideration in answering the question, what's the public benefit? And I definitely understand the concern about houses that are demolished but recognize that in the pulling of a demo permit, you know, a house would be brought to the landmark commission at this point for consideration. And if the house is in danger, I might have a different opinion, but again, these are homeowners who have done a great job with a beautiful home, and it's in a great neighborhood and all that, but I just don't see the -- I don't see how it -- you know, how i can answer the questions of somebody in -- you know, just average citizen about what's the benefit to the tax abatement. So I'm going to be voting with council member spelman. and i just want to say, I'm going to be voting no as well. I think we discussed the last time we heard this case that it's not -- there are many examples of this type of architecture in austin, and it's not necessarily unique historical building in that respect as far as a certain type of architecture. So I'll be voting no as well. Any other comments? All in favor of the motion say aye.

>> Aye. opposed say no.

>> No.

>> Mayor leffingwell: no. So that is council members riley, morrison and cole voting aye. No? Council members riley and morrison voting aye, all the rest voting no, so the motion fails, and historic zoning is not approved on item no. 78. rusoh, i understand -- when we read the consent agenda we talked about a discussion postponement on item no. 100, So I think we could go directly to that if you've got a couple comments. kevin rayburn, to january 13. both sides have agreed to that, did you say?

>> The nominating team would like to discuss the postponement request. mayor, this is my neighborhood, I'll be walking off the dais and recusing myself. i understand.

>> [Inaudible]

[laughter] disregard that comment. So I think what we can do is have one representative from each side to discuss the merits of postponement. And so go ahead, sir, introduce yourself.

>> Good evening, mayor, council members. My name is Kevin Heybern. I live at 3811 Avenue H in Hyde Park. The district plan that's currently said for a vote tonight is the plan I request that you postpone taking action on, because I don't think the Hyde Park Neighborhood Association has demonstrated that the plan has the support of most of the homeowners who live in the proposed district. The plan now before council is not the same plan that was circulated in the neighborhood when the Hyde Park Neighborhood Association originally gathered signatures in support of the historic district over the summer. Most of my fellow neighbors are not aware that the plan they initially supported has been significantly revised, nor are the majority of neighbors aware that these revisions were endorsed by only a small group of neighbors who attended two recent neighborhood association meetings. Furthermore, many of the changes in the draft of the plan that's before you tonight have not been reviewed by either the city's landmark commission or by the city's planning commission. Now, if you're wondering what the basis of my opinion about the lack of awareness of the neighborhood is based on, I've gone and visited, and so have a number of my fellow neighbors who have some concerns about the plan. We've visited some 169 neighbors in our neighborhood. Many of them while supportive of the historic district, as am I, by the way, were not aware of all the changes in the revised plan and have some big concerns. I'm not here to talk about the merits of the plan, though I'd be happy to answer questions if you wish to ask me that. I am simply saying that based on my survey and based on conversations with, again, almost 170 private property owners who actually live and own property in the district or folks who have churches in the district, there are some real concerns with the plan before you today, and I believe a postponement of action on the plan tonight will allow further discussion with the neighborhood association to come up with a better plan. Now, I anticipate my fellow neighbors on the other side will point out that they have had numerous meetings of the planning team over the past four years, and they have invited neighborhood participation. I don't dispute that. There are a lot of good people who have worked very hard to put together this plan. However, I am not arguing and concerned about the plan that was, again, produced by them and circulated in the neighborhood this summer. I am concerned about the plan that's before you tonight. And I think my friends on the other side will also point out they did have votes at neighborhood association meetings, but again, those meetings typically have 30 to 40 people. A number of the people who attend those meetings do not, although perfectly valid members of the Hyde Park Neighborhood Association, are not owners of contributing homes in the historic district. So I respectfully request that the council postpone consideration of the proposed plan for the Hyde Park historic district until I and my neighbors have more time to review and discuss the plan with the Hyde Park Neighborhood Association. I'm asking for a postponement until January 13 because I believe that will give us enough time to work together to work on a better plan, and given the holiday schedule I think that's a reasonable amount of time. Thank you. Thank you. And someone to speak in opposition to the postponement request? Mayor, council members, I'm Karen McGraw, Hyde Park Neighborhood Association. I am opposing and those of us here to present this plan to you are opposing this postponement. I believe you received an email from our current neighborhood president, Lisa Harris, that outlined four long years of participation, notification, meeting after meeting and articles and newsletters. All of the residents of Hyde Park, whether they're members of the association or not, have received those letters every month with articles. Costs \$5 to join. You can come and vote. I think there's every opportunity in the world to come and participate. In the last few months many, many other things have happened. The city postponed in May and held another meeting where they notified everyone. The city asked for various changes. The neighborhood had a few changes. All of these were posted to the neighborhood web site and voted upon at regular neighborhood meetings. I believe some of the issues that some folks have come up with in the last 60 to 90 days, the neighborhood has tried to make tweaks to the plan to try to accommodate folks and to make everything fine. I think you have some language that was requested by your city staff, and they can speak to that, but everything has been done by the neighborhood association to prepare this for adoption now. And my only question would be, what over the holiday season will be done? And I don't know what else could possibly be done, and I think everyone is ready for this and I'd be happy to answer any questions you have, but I think we are all ready to see this happen. Thank you so much. I have a question, Mr. Rusthoven. Is this a first request for

a postponement by opponents?

>> Yes, it is. before council? Okay. And is there some reason for -- is the january 13 date the one suggested by the opponents or --

>> yes, that was suggested by the opponents. The opponents -- well, the first speaker is the person that requested the january 13 date. I tend to think that not a whole lot is going to get done between december 16 and january 13, but I'll let other council members weigh in on this. Mayor pro tem?

>> Martinez: thanks, mayor. I wanted to ask jerry, i assume this is a typical zoning case or treated as such, so there can be a valid petition.

>> Yes, just -- well, on the one hand we have two types of petitions on this case. One is the petition that was submitted by the nominating team in order for us to accept the application as required by code. We did that several months ago. That has passed. Yesterday afternoon we received a petition in opposition to the zoning case, and we are in the process right now of determining whether that is a valid petition. In this particular case, instead of the normal case where you'd have 20% of the folks around the zoning case, in this case it will be a valid petition if it's 20% of the folks within the proposed district. So yesterday we received a list of names in opposition, but we have not had a chance to validate that. I understand that there's a gentleman here today that has more names to give me, but we simply have not had time to determine whether that's a valid petition or not. mayor, with that information, I think at a minimum we should determine whether there's a valid petition and that's going to take some time. I wouldn't be necessarily opposed to moving forward tonight, but I would have some struggles with making a decision without knowing whether or not there's a valid petition. So I'll wait to hear from -- i think technically at this point there's not a valid petition, if I understand that correctly.

>> Martinez: okay. So let me ask another question if I may, mayor. So what happens, jerry, if we do take this up tonight and we do actually take action and then all of a sudden there is a valid petition?

>> Well, if you took action on first reading only, it would be okay, as long as we had -- posted for all three readings.

>> But we're posted for all three readings. If there were a vote -- if there were -- if it were to pass 6-0 today at all three readings it would be a moot point because there's a requirement it has more than 6 votes on a valid petition. If it were to pass on all three readings with 5 votes, I think that our position would be, and I'd have to maybe let chad chime in, that at the time the vote was taken we did not have a valid petition because we had not yet had a chance to verify whether or not those signatures were valid or not. city attorney?

>> I have to admit, i haven't dealt with that situation, but I do think we would hope that we had six votes and we would -- and i would have -- we would have to have serious consideration of what exactly the implications were of not having sufficient votes. I think that would be -- and I know this word is never a bit popular, but that would be problematic. I think it would be irresponsible of putting ourselves in that position and facing costly measures because we didn't wait to verify this.

>> I hate to bring another issue, but the signatures that we received, the header on the page said that the folks were opposed to the changes that have been made to the case, so one thing we'll be asking of the folks who submitted the petition in opposition is for clarification of those folks who are actually opposed to the case itself and not just to changes that have been made to the case as it came through the process. council member more so that. just to clarify, jerry or chad, if -- it would not be problematic, in my understanding, if we did first reading because valid petitions only come into play in third reading. Is that correct?

>> That's correct. council member shade? and the person who was seeking the postpone him, I don't -- I'm sorry, i don't see him or remember his -- there. Can you come forward so i could ask you a question,

please? can i interrupt your train of thought while he's walking up here to make a special announcement that we have a troop of girl scouts here. Girl scout troop 1177. Would you stand up so that we can recognize you?

[Applause] thank you for coming, and i hope you're enjoying this.

[Laughter] mayor, could i just -- mayor, could i mention as i understand it the girls are working on their bronze award, which requires learning about community leadership and making a change in their community. So it's really terrific that they're down here to watch this wonderful, wonderful show. Congra congra tulations, and thank you for coming. Okay. Go ahead. I thought you were going to say you're selling cookies and I was going to go all excited. are you?

>> Shade: what? What I was going to ask you about is the timing that you're suggesting and the issues that you did want to have further addressed. If we were to do a first reading, then that would allow for that discussion to continue between second and third reading. How does that work in comparison to the idea of a postponement? I guess I want to know your opinion on that.

>> I think that's more of a question for your city attorney. I'm not sure the implications of that. I think that my preference would be to come back to council with the actual plan that I think there's more of a consensus on at that later date than to have a first reading on the plan before you now. My understanding is that after a first reading you can make changes to the plan and even keep it open for hearing, but my preference would be to postpone until members of the neighborhood association leadership and some of the neighbors who have concerns can talk. yeah, I mean, i think that what I'm grappling with is all the people here and the amount of time that has gone into it and the idea of keeping the discussion going, and especially in recognition of the fact that we have a reason to be more comfortable with the first reading, but I didn't know if you understood that yes, the hearing can stay open, and yes, the discussion and dialogue can continue and we can set a second and third reading date for the date you even selected, which gives you the exact time that you're looking for. And so it essentially continues the process, but at the same time it does give you the time that you're looking for, and --

>> well, council member, i mean, if we can keep the hearing open, and if it's the preference of council to hear this matter now, as long as the hearing is open and there's time to have further discussions with the neighborhood leaders, i agree, I don't dispute ms. mcgraw. She has put a lot of time and effort and I respect that, and all the other neighbors who support the plan as wren. So I'll just -- as written. So I'll just leave that to the council's will. well, I'm going to be -- and I really appreciate those comments and I appreciate you engaging in this at this point, and I think that it would make the most sense -- or what I would like to suggest is that we not postpone and that we consider this on first reading only and leave the public hearing open so that we can continue to amend and really then the onus is on you-all to work out the issues that need to be worked out with a timeline that's reasonable that meets your needs. That's what I'm to be suggesting. i think the motion would be just to -- not deny -- -- discussion tonight. And then as we get into the discussion, that whatever comes out of that discussion would be a motion that would contain the other elements that you spoke about.

>> My only concern is joining what mayor pro tem martinez said, is the issue of the petition. i didn't answer your question. but because i would ask you what your concern would be. I got it. I think what -- what i learned from what was said is that that issue also is not an issue on a first reading. So the issue of valid petition is only valid, really, when you're on the second and third reading. So I think as we go into the discussion, I just wanted to clarify that most of what you're looking for will still be contained in the idea we go fire reading but we do have a lot of people here and I know they've been waiting patiently. So I hear your concerns, but as we open the discussion know that I'm going to be not in favor of a second and third reading. a meetion to deny request for postpone -- motion to deny request for postponement by council member shade. Is there a second? Second by council member morrison. Discussion? All in favor of that say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 6-0 with council member spelman off the dais and recused, and with that, council, we will go into recess for live music and proclamations.
Joann christian

[♪♪ singing ♪♪]

>> all right. Good evening, everyone. It is time for our live music at city hall. Every thursday we do live music, and joining us today is a dynamic duo, jason blanchett et and brandon hagger who make up the indy fung. If we could get your attention. This is jason blanchett and brandon hagger who make up the indy electro funk band, bk and mr. e. Their latest performance was at acl's music lounge where they rocked their laptops in their usual marching band uniforms, influenced by bands like outcast, the beatles, beck, under the radar, encourages fans to dance to their electronic pop jams. e next on december 18 at the parish. Please welcome bk and mr. e.

[Applause]

[♪♪ music playing ♪♪]

[♪♪ singing ♪♪]

[applause]

>> martinez: thank you. Thank you very much. If you want to introduce yourself and tell us where we can get info on the web about you.

>> Absolutely. This is jason. This is brandon. com, also, facebook, bk and mr. e. If you like what you heard we'll send you a link for our free download to our entire album.

>> We'll are to click on that. I have a proclamation I want to present to you on behalf of the mayor and the city council. And it reads, be it known that whereas the city of austin, texas is blessed with many creative musicians whose talent extends to virtually every musical genre and our music scene thrives because austin audiences support music by legends, local favorites and newcomers alike, and we are pleased to showcase our artists. I mayor leffingwell, mayor of the live music capital of the world, hereby proclaim november 18, 2010 as bk and mr. e day in austin, texas. Congratulations.

[Applause] well, folks want to come on down? This is kind of a unique occasion. I don't know if it's happened before that i presented a proclamation to my wife, but such is the case. I think I've talked about this with several folks earlier in the year on other -- in other events about -- about julie and i conference of mayors in january when first lady michelle obama first announced her initiative to combat childhood obesity. That was the beginning of it, and so it's been this long in the process, and she has now made it a national initiative called let's move. So what we're doing here in austin with the help of a long established group, the mayor's -- the mayor's committee for fitness -- the mayor's fitness council, the mayor's fitness council is taking on this initiative to establish a strategy and meet the goals of let's move established at the national level as well. We're just duplicating that on the local level. So I'm very proud of their activities, the mayor's fitness council has active for many years now, established by mayor wynn, who is still a member of that group, by the way, and they have promoted the goals of fitness and nutrition in the city of austin, and I want to commend them now for their work. First I want to read the proclamation. Be it known that whereas first lady michelle obama is calling on mayors and elected officials across the country to join her "let's move" campaign to reverse the trend of childhood obesity within the generation, and whereas let's move is an initiative which asks cities and towns to implement a long-term, sustainable and holistic approach for fighting childhood obesity, and whereas the city of austin plans to join the first lady's national effor under the auspices of the mayor's fitness council, which is a unique local organization, with the knowledge and resources to help make austin a let's move city,

and whereas the strategy for let's move austin will be unveiled early in 2011. Now, therefore, i, landlord, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim the year 2011 as austin's let's move year. So congratulations, and i believe to accept this proclamation, julie byers, whom i know very well, and she has very kindly agreed to take on this project and to work with the mayor's fitness council to make all these goals and this strategy a reality so that the end of the year we can be full and complete members of the national effort. So julie, do you want to say a couple of words?

>> As a nurse, a mother and a grandmother, the health and welfare of our children has long been a concern of mine, and in austin we like to call ourselves a fit city, but we're really not as healthy as we think we are. There is a large population that's at risk. They don't have access to healthy, affordable food or exercise options, and so i think that the let's move cities and towns efforts is a great project to promote the health and welfare of our kids and their kids. And so i hope everybody will join in this effort and make 2011 austin's let's move year. Thank you.

[Applause] council member morrison has also been doing a lot of work on this initiative. Would you like to say a couple words, council member? just that we're going to be working with all the boards and commissions to look at what we as a city government can do, and i think it's really terrific to have the mayor's fitness council and with julie to be leading the effort, as a community-wide effort. So i think that there's great collaboration in this community and we've got a far way to go but we've got great people working on it.

[Applause]

>> one more thing. I just wanted to thank cleaves bennett and lou earl from the fitness council for coming into town to support us today and they'll be leaders on the effort. Thanks. Thanks, you guys.

[Applause] so it's a great honor for me to be able to present this certification of congratulations to a very important part of our city of austin, economic development team, and that is a small business development program which is held in the economic -- housed in the economic growth and redevelopment department, just down the hall from me, by the way. This has been one of the important groups that we've been working with very hard over the last year and a half since i've been in office to promote economic development. The reason is very simple. Here in austin small business really is the backbone of our economy, and when i say that, i've got the statistics to back it up. 90% Of the businesses in the city of austin have fewer than ten employees, and then 75% of all the jobs in austin are with companies with fewer than 100 employees. So clearly, as has been said many times in austin, by me, by the way, in austin small business is big business. And so this is a great award that's been given by the kennedy school to our own small business development program here in austin for its successes in the work that it does, programs like meet the lender, programs like -- we had a session six months ago to bring in small business owners and tell us what we can do to make their business -- the conduct of their business easier in the process of disilg that on we're in the process of dis tilg and making recommendations to council right now. I want to read the sft of congratulations and it's for having received bright ideas award for its meet the learned business loan fair. The city of austin's small business development program is deserving of public acclaim and recognition. Bright ideas was created by the center for democratic governance and information kennedy school of government at harvard university. The awards are designed to shine a light on noteworthy government initiatives around the country and to share them with the public sector, nonprofit and academic communities. Sbdp's meet the lender was selected from among 600 programs nationwide to receive an inaugural bright ideas award. Meet the lender lab connecting austin area small business owners with small business friendly lenders for seven consecutive years. This certificate is presented with our congratulations on this national honor, this 18th day of november, 2010, presented by the city council of austin and signed by myself. And here to accept the certificate is the leader of this program, rosie jalifi, and i want on behalf of all of the -- looks like we've got the whole department up here.

[Laughter] I want to congratulate all of you but invite rosy up to say a couple words on their behalf.

[Applause]

>> thank you. Thank you, mayor. The small business program staff and I are extremely honored to receive this national recognition from the prestigious harvard university. When I was charged with developing t small business development program ten years ago, my dream was to create a known resource to help austin entrepreneurs. I never imagined that my dream would receive the notice of harvard university and other institutions for serving our customers. The goal of meet the lender is to connect austin entrepreneurs with lenders that are small business friendly. The fact that meet the lender has received this and other awards reinforces the obvious need and magnitude of the event. In august, as the mayor said, we hosted our 7th meet the lender. We had more than 650 business owners who braved the hot august sun to seek capital for their business dreams. The full extent of the economic impact is not readily known to us from meet the lender, but we do know that loans are being made, businesses started and expanded and ultimately jobs are being created. For example, in the past two years sba has approved more than \$137 million of loans austin businesses. These loans helped more than 135 businesses get started in austin, and these businesses in turn created 2100 new jobs for our citizens. If a bright idea doesn't have the energy behind it propelling it, it remains just that, an idea, but we have been fortunate that meet the lender has attracted the support of the lending community and without them this bright idea would not be shining today. So I want to recognize some of the lenders who are with us here today, and they are claudia connor, and melissa harper, big austin, john paul porter with sba's women's business center, also a part of big austin, arty bern, r techs funding, tray davis, mayoral lirlchl, a division of bank of america. From the beginning meet the lender has received support from the mayor, council and city management. ott, kevin, I see you in the audience there, and other council members that may be here, this support is more important to us than you will ever know. The other key ingredient to this success or this bright idea is our small business program staff. They have embraced their charge of helping this business grow and daily invest their talents to reach that end, and I want to recognize them. There's vicki valdez, our small business administrator, joy miller, javier, cindy garcia tj owens, preston stewart analyst groves. I want to end my comments with a personal comment. Of all the recent awards our division has received this one means the most to me personally and I've been discerning over the last several weeks as to why this is so important to me, and this morning as I was driving into work the answer came. As the late president john kennedy said, it might be said now that I have the a university of texas degree and a harvard award, and it doesn't get much better than that. Thank you.

[Laughter]

[applause] come on up, max and mannerra and ig the pleasure of the next proclamation which is recognizing and launching the week after thanksgiving our eat local week. Eat local week is in its fourth year and it keeps growing, it's an tremendous opportunity for austinites to get out and learn more about folks that are producing local products and then preparing those into entrees in some of our restaurants and venues around austin. So this fits right in line with the previous proclamation that the mayor did about, you know, austin being one of the fittest cities with the urban roots program, who is the beneficiary of eat local week. Few don't know urban roots, it's an amazing program teaching kids how to be self-sustainable through farming, producing their own products, food products, and then nourishing themselves and others by selling them at farmers markets and things of that nature. So it's an amazing program. I'm going to read a proclamation, and then I'm going to invite marla to talk more about eat local week. The proclamation reads, be it known that whereas area restaurants and markets are participating in a benefit event organized edible austin magazine for development roots, a youthful development program that uses the same agriculture to transform the lives of young people and increase access to healthy food in austin, and whereas part of the proceeds from the sales of locally grown and made foods are at markets, along with locally sourced entrees and drinks at restaurants and other special events happening this week will go to urban roots. And whereas the urban farm bicycle tour with pig rose and harvest dinner kicks off the week, which includes a drink local coffee festival, a local holiday gift fair, fine art and food note, an evening with michael polleen and culminates with our mini brew festival to celebrate a week of fundraising. I, mayor landlord, mayor of city of austin, texas, do invite folks to experience our local and food offerings, and proclaim this edible austin's eat local week.

Congratulations.

[Applause]

>> I'm going to invite max elliott, who is the program farm director for urban roots to say a few brief things about urban roots and then I'll tell you quickly about some of the highlights for the week.

>> Well, thank you so much. As marla said, urban roots is a program of youth launch and we create empowering opportunities for young people by engaging 30 high school students to come together on a three and a half acre farm in east austin to grow food for the community. So last year we grew over 26,000 pounds on that acreage, and we donated over 8,000 pounds to local, hunger relief food kitchens and soup pantries. Young people not only learn how to grow food, where it comes from, but they also learn how to give back to their community in a very meaningful way. So they understand what hunger and inequitable food access is about, by growing food and serving it to those in need. I'm happy to be a part of this and celebrating the local food community here in austin this week. Thanks very much.

>> And we have some kids here, but they're at texas state university tonight doing a presentation, but they'll be around all week long at all of the activities so you can meet many of the kids that take part in urban roots. So we kick off on saturday, december 4, at the austin farmers market downtown, the stable food centers market downtown, with the start of the bicycle tour which will take on a family friendly self-guided tour to all of austin's urban farms and many community gardens and a couple of school gardens. There will be food prepared at each of the stops and it culminates with a pig roast and harvest dinner, all gathered from around the area at springdale farm on springdale road. That's just the beginning. All week long over 50 restaurants participating from huts hamburgers to oochies, so all ranges of price levels and ethnic foods all over the place. We have over 50 restaurants on our web site, he had i com, that you can look up and see who's serving local products. 100% Of the money goes to urban roots. Also we have over 12 events, as you heard a few mentioned, and you can go to our web site to see the events. I will mention drink local night, where we feature local cocktail and spirit makers, which is a real fun one and city of austin hosts gift fare here in the city atrium, it's fair, and you can meet all the local food people, that are members and pick out great holiday food gifts for your gift giving and make up food baskets and we'll have food baskets for sale. We hope you come out and enjoy the local abundance of fresh food in austin.

[Applause]

[applause] flush

>> about 20 years ago or longer there was an exercise club downtown called the metropolitan, and joanne christian would exercise there, and that's where when I -- I had not long been to austin and I would exercise with her. And what I remember now is we were on the stairmaster and I would try to do it and she would turn her head and say, come on, sheryl, you cheryl, you can do it. And later of course I met mayor bruce todd and her lovely daughter elizabeth and I was working on the waller creek project and i had heard from many people throughout this city that if you want to make anything happen in this town you need to go see one of the three j's, and in particular joanne christian. So when I went to see her and sat down with her, she said, "come on, cheryl, you "

[laughter] and so that kind of advice just keeps ringing in my head over and over again, and we keep trudgung away. But I can't emphasize enough the importance of having friendship and encouragement, no matter what job you do, but in particular at this job. There are many challenges, and it's just not often that you find women in the community that are willing to lend their time, advice and most importantly wisdom to the community. So for that we are giving a distinguished service award for her tireless support and amazing tenacity with regard to projects benefiting austin and its arts community. Joanne christian is deserving of public acclaim and recognition. Without her vision and unshakable resolve, the long center, the crown jewel of austin's performance venues, would never have been built. Joanne overcame obstacle after obstacle, to make a decades-long vision for a future performing arts center a

reality. Devoted, connected, charming woman that she is, joanne's influence extends beyond the circular ring that is the signature architecture element of the long center to include support for the opera, the symphony, the latin museum and the ransom center. We treasure joanne christian and her innumerable contributions to our city. The city of austin, texas, mayor lee leffingwell, mayor pro tem mike martinez, council members chris riley, randi shade, laura morrison, william spelman and sheryl cole.

[Applause]

>> I wish I believed all that, but I thank you very much.

[Laughter]

[applause] some individuals aspire to be rich. Some individuals aspire to be remembered with legacies, and then there are those that simply aspire to help other people. , And they want to help other people that need help. And so we're going to recognize a few of those people today for all their work on the homeless issue. I think what I'm going to do is read one proclamation and mention beth atherton and ed McHORSE AND RICHARD Troxell and kate lavine. And now eej to read the proclamation. Be it known that whereas the homeless population in austin and throughout the country faces severe economic and psychological devastation, and whereas advocates for the homeless are uniting this week to call attention to the plight of many, men, women and children who lack the economic means to provide for their basic needs, and whereas we call on all citizens to join this campaign with the theme "listen, learn, lend a hand," and to fight this waste of human potential, needless suffering and tragic loss of life. Now therefore, I lee leffingwell, mayor of the city of austin, do hereby proclaim november 13 through 20, 2010 national hunger and homeless awareness week. This is a proclamation for all three of you guys for your wonderful, wonderful service. Before we take a picture do you want to say a few words?

>> Can I just say something --

>> no, we're not going to let richard --

>> oh!

>> You already had your three minutes.

>> Hi, this is homey. This is national hunger and homelessness awareness week, and it's a community. That means it took everybody to put this week together. The week continues to roll on under the leadership of ed McHorse. Sunday was -- was the homeless memorial. We met in auditorium shores for the 18th year and read the names of the men, women and one child, baby jane, who died in the streets of austin this year. We read 158 names. That's our charge, is to read no more names. The end of the homeless memorial, one of the many, many actions during this week, is to kick off the thermal underwear drive, and that's why homey is here. Homey is here to show you what you can get for your \$25, how you can make a difference, how you can put thermal top and a bottom, hats, gloves, socks on every man, woman and child who come forward and say they want them. We need your help. You can see from our graphic that's displayed there, go ahead and contact us at house the homeless. Write that down now, p.o. Box 2312, 78768. Make a difference. Join with us as we move to end homelessness in austin. Thank you.

[Applause]

>> thank you, council member cole, and I do want to take a second just to note the big difference between this week and three years ago when we -- when I became involved in this. The level of awareness has grown in this community in large part thanks to the interest and activity of our city council. They have been committed to trying to address these issues of hunger and homelessness, and if you've been watching over the last six months you've seen them make additional commitments to try

to find additional funds for permanent supportive housing for this community. So council member cole, i want to thank you on behalf of the rest of -- of all of echo but also as a representative of this city council for all you're doing.

>> Cole: thank you. Thanks to you.

[Applause] we'll take a picture. Let's take it over here.

>> Okay, ed, don't go away. Okay. ed McHorse, I think you need to come back up here because a few of your friends decided that we needed to take an extra step for you, and I know your boss, michael whalen, is in the audience, and he told me he certainly appreciates how much community time that you spend on this.

[Laughter] but seriously, ed, you spoke about the council and that is certainly true. I think that in years to come as we have spoken about past environmental councils and developer councils, this will be known as the social service council, and of course I have done a significant amount of work on permanent supportive housing, but I've done that, as many people might not know, with a kitchen cabinet that includes ed, and it simply would not have happened without his dedication, analysis and vision. And so I respect your peers that decided to give you an extra and special award and that would include your friends at caritas, of course, and many, many other people. So that being said, I'm going to give you this certificate of appreciation for his two years of leadership as chair of echo. ed McHorse is deserving of public acclaim and recognition for the -- ending community homeless coalition is dedicated to planning, prioritizing and developing strategies to end homelessness in austin. During ed's tenure he has overseen the transition of the organization for a coalition to an independent 501(c)(3), which is now managing the hud continuum of care for austin. We are pleased to recognize ED's McHorse's work with echo and his support and dedication to the homeless in our austin.

[Applause] -- in our city.

[Applause]

>> ed says he's not going to say anything. I said, well, I am. On behalf of echo, the community homeless organization, I would like to ed a piece of art from art from the streets. This is a photograph from one of the participants in the art from the street show, and it says, with heartfelt appreciation to ed McHorse FOR HIS Leadership, guidance and stewardship as chair of echo, november 2010.

[Applause]

>> I just want to real quick ask everybody in here who's part of echo just to raise your hand, because this really -- it is a coalition and these are the people who are out actually doing everything every day to help the hungry and the homeless. Thank you.

>> Do you-all want to take a picture?

>> Yes, so if all of you with echo will come down here we'll do a group photo, because that's what this is, if we can do that. And my family, if you will come down here, two photos. Come on down, please.

[Applause] so we are here to recognize the great award-winning work of channel 6. If anybody is watching us right now, you are some folks that get to take advantage of channel 6 and all that it brings. But their accomplishments this year have been truly amazing, and they were recognized recently with several, several awards. 16 Awards overall. Five of them were first place awards. The first ever emmy nomination for the city of austin, and the first ever national tv award for city of austin, and we won first place in that with a "big gig austin" entry. So this kind of thing really only happens, obviously, when you have a terrific team working with you and for you and for the city and for the community. So I want to take a moment and I have some certificates here to introduce the amazing channel 6 staff that we have,

and recognize their accomplishments. So I am going to read this. Okay. So this is a certificate of congratulations for having been honored with 16 programming awards from state and national organizations. The city of austin's channel 6 is deserving of public acclaim and recognition. The national association of telecommunications officers and advisers -- telecommunications officers and advisers, that's the national organization these folks are a part of, awarded cha trophies for production in the impact, public education, psa and new series categories. At the state level channel 6 received ten awards, including four first place, three second place and three third place honors. These recognitions include the first national tv award and the first lone star emmy nomination for the city-run tv station. We are very pleased to acknowledge our talented channel 6 staff members for their award-winning work in such a wide variety of programming areas. This certificate is presented in recognition thereof on this 18th day of november in the year 2010 by the city council of austin, texas and signed specifically by mayor lee leffingwell. So all that is to say congratulations and how proud we are of our channel 6 staff. And with that I want to recognize keith reed and all the other folks that are here. We have abel villareal, a certificate for him. Jonathan wool. Okay. On camera. Take it right on over. There you go.

[Laughter] robert keith. Terrific. Abraham gonzales. And james williams.

>> Thank you.

>> So I also want to recognize the on-screen talent for channel 6, which is renea telles, leslie subco and larry schooler. And do we have a list of the awards, actually, that they -- they were up there already. Okay. Oh, that's what that was. You know what, I thought i thought that the computer scene did that screen of death thing and windows dies. Anyway, all of these programs were really very diverse ranging from the first place for the city council public meeting coverage, to use of humor for a christmas tree recycling psa, and we also have a clip of two of the most notable award-winning videos, the emmy nominated priest clause psa and a national award big gig entry which is the video component of the google fiber to the home that we did as a city and a community last march. So roll 'em.

(Playing video).

>> Spills raw sewage. It's the grease blob, and it wreaks havoc all over austin, that cooking oil and grease you pour down your sink, it sticks to sewer lines and can block the entire pipe. Only you can stop the grease blob. Stop pouring it in the sink, seal it in a bag and pour it in the trash, or recycle it at the austin waste facility. You can get more tips on how to stop the grease blob at this web site. Do your part, stop the grease blob before it stops our pipes.

[End of video]

[applause]

[♪♪ music playing ♪♪]

>> in order to effectively capture the creative impulse, we continue to strive to make [inaudible] work at the speed of thought. Technology will help us finally achieve that. This is the right place to test your new technology. Come to austin, texas and let us show you just how great google can be.

>> Behind me is stallion, the largest pixel count display in the world that enables researchers to see their data in ways they cannot see it anywhere else.

>> Austin is the quintessential high tech arts town. Austin bills itself as the live music capital of the world. It's been a great art city throughout its history but it's also one of the foundational high tech towns of our nation and of the world.

>> And up here at the austin convention center where "south by southwest" is happening right now, there's thousands of people from all over the world here in austin, and they all come to austin for one

big reason.

>> This town kicks ass and it would kick more ass if you-all came here and did you-all's thing.

>> Clogs pipes, backs up sewers --

>> I think once was enough for right now on that one. Anyway, I want to introduce keith reese who is the channel 6 manager, and then also we have doug mathews, who is our chief communications officer, and I'd like to ask you to say a few words about these great folks that work in your department.

>> Well, I certainly appreciate all the work that the folks behind me have done. When I came on board here about two years ago, I challenged them all to take the gloves off and really demonstrate their creativity. You know, we've made the investments to hopefully clear the path for them to be able to do that, and they've accepted that challenge wholeheartedly and done some really, really cool stuff. You know, I think it's proof that even in government and even in government communications, you can still be funny, you can still be cool and you can still be creative, and I believe that the best is still to come for this entire group, and, you know, we also have to give credit to all the partners that help us get this stuff done, out in the departments that are providing us with ideas, providing us with content, sometimes providing us with talent. So it takes an entire city team to get it done. These guys have consistently hit it out of the park every time we've given them a challenge and I appreciate that.

[Applause] thanks, doug, and I can tell you with all the work we've done with them, every time I work with channel 6 it's a lot of fun and they really know how to make things happen, so we're fortunate to have them. One more thing I want to talk about and that is the big gig video that you saw. That's the national award winner and we're so fortunate to have had so many great folks working on that and making that happen in the community, and so I want to ask the folks that were part of that, rondella and dean and stefan to come up here so we can recognize you and your work on that. Come on. All the way. Get into the picture.

[Laughter] so managing the project for the city was rondella hawkins, who was your telecommunications manager, who was recently named, the onal association of telecommunications advisers and officers for the year for her ongoing contributions to the association. And she didn't bring her award with her. She left it at the office, if I understand properly. I also want to introduce stefan ray with channel austin. You saw him there. They shot all the man on the street portion of the video for "south by southwest," and so I want to recognize that this is the real award that comes with your national award-winning participation. And then last but certainly not least we want to recognize randy miller media and dean rendy. They took all the footage that channel austin and channel 6 shot and then they did all the post-production, which included the editing, music, graphics and it was all pro bono and if I remember properly I called dean up at about --

>> midnight.

>> Midnight, yeah, midnight, a few days before and it was like dean, can you just put this together for us? And he said yes, just like that. And you saw how smooth it was. So we're all fortunate to have all these folks working for us in the community and I congratulate all of you on your awards.

>> Thank you.

[Applause]

>> Morrison: And I want to -- we also need to bring barb rush up from my office because this is also an award that is due to her hard work and just pushing things through to make them happen so thank you, barb.

[Laughter]

[applause]

>> okay, so should we go to a photograph?

>> Mayor Leffingwell: guernsey, we are out of recess so he will take up our zoning items again and go back to regular order, take them in order.

>> Thank you, mayor and council. I think that brings us back to item 92, case c14-2010-143. 6 acres and is located this the montopolis neighborhood area. It's currently undeveloped. Its width is probably close to 150 feet wide. To the north of this property is sf-3 mp zoning and if you think of frontier running north-south, immediately to the north is existing home park, to the west is existing single-family. To the south is undeveloped tract. It's zoned multi-family and to the east is a mobile home and actually detention for an apartment project on that property. It's in the carson creek watershed, but this area is not located in the flood plain. The neighborhood planning contact team is opposed to the rezoning request. However, there was not a change that staff interpreted to be required for this particular property. A future land use map when it was originally created with the montopolis neighborhood plan didn't have a specific designation for mobile home. And so mobile home and actually higher density single-family, the designation that you might find equated to sf-6 zoning that we have today, was not considered. So the mobile home park that's exist to go the north was designated yellow as single-family. As I did mention, the property to the north is an existing mobile home park and is zoned multi-family, to the east multi-family and to the west single-family. The neighborhood plan for the montopolis area was pretty specific about trying to maintain single-family character. There were numerous mobile homes that existed back when the original montopolis plan was done and there was a u.t. Study that cautioned against actually encouraging more mobile homes. There was actually an action statement within the neighborhood plan that spoke to preserving residential zoning in the interior of the montopolis area, allowing new homes to be built. There was also noted in the plan that there should be a creation of multiple housing type also which included garage apartments, cottage lots and urban homes. And I'll point those out just so you know the tract of land is 1.6 acres. If you set about maybe 30% of that aside for infrastructure, let's say roads and things like that, if you were developing it with urban homes, you might squeeze about maybe 15 units on this property. If you did cottage lots, only 2500, you might get about 20 lots on this property. Given its acreage. But the owner is also the owner of the adjacent mobile home park to the north and what they would like to do is expand it into this area and they've got an exhibit, i think that's in your backup, showing approximately 12 mobile homes. So we do have some neighborhood support, some neighborhood opposition. The planning commission when it came before them voted 4-3 in favor of the case, but it takes a quorum of five to make an affirmative recommendation that's brought before you. They didn't have a full commission that night so it came before you with a vote of 4-3 and is recommended without a formal recommendation by our planning commission. The staff did make a recommendation to approve the zoning change that would allow the manufactured homes to be placed on this property. With that I'll pause. If you have any questions, i think the aerial photo that you see, I don't know if you can turn that, rotate it once to the left -- yeah, that was good. Back that way. And that little box in red is the area that we're talking about. The existing mobile home park to the north which would be propose to do expand into this tract which is being pointed to. To the left are existing single-family homes. To the right you can see apartments and there's some detention facilities that exist. Immediately to the south they could build apartment complex.

>> Mayor Leffingwell: Questions of staff? We'll hear from the applicant.

>> That's mr. allen. Randy allen.

>> Mayor Leffingwell: You will have five minutes and at the end of the public hearing, you will have three minutes of rebuttal time.

>> Mayor, councilmembers, and the city manager and city attorney's office, thank you for this opportunity. I was very eager to come here and be able to speak with y'all today so I got here extra early

and I've been here so long, I'm so tired and hungry, I don't even remember what I was go to say.

>> Mayor Leffingwell: Know the feeling.

>> But we do have a very simple request for you today to rezone approximately 68 acres within our already existing mobile home park of 24 acres. The central issue in this request really is to provide for additional affordable housing for the citizens of austin. And to provide that at no cost to the city of austin or to the taxpayers of the city of austin. During the hearing in front of the planning commission, they brought up a uno project. I guess uno project was designed to help facilitate more affordable housing through incentives to developers and builders. Virtually all of the commissioners applauded the idea and said austin desperately needs more affordable housing not only for students but also for the working community here as well. If allowed to rezone this property, we would be able to provide 12 additional affordable housing sites at no cost to the taxpayers so i think that's significant. That's not what the uno project was about. We're doing this on our own. What I think is very important and if we can put that exhibit 6 acres is inside the park, it's inside our fenced property and has been for almost 40 years. It's not that we are acquiring additional property that we want to incorporate into the park, this is part of the park and always has been. And it's within our 8-foot fence that goes around the perimeter of the park. Approving our request would give 12 families the opportunity to experience the american dream of being homeowners. And really that's the essence of this. It is the ability to own your own home on a piece of property. And it is really important to also understand that economically this is an opportunity people don't have otherwise. Our rates are well below what a family of four or five would have to pay to rent an apartment even further out from austin than our property is. It also provides I think mobile homes are also important to recognize as providing a very viable stepping stone or opportunity for people into homeownership who might not be able to go out and afford a 200, 300 or 400 thousand dollar house. You know, again I listened today to a number of people in opposition to some aspect of the formula one situation and one of the reasons they seem to be in opposition to it was the fact that it would cost taxpayers money. Here it would cost the taxpayers no money whatsoever. We're providing the sole development expense and in addition to taxpayers not footing any of the bill, actually the city of austin would gain an additional tax base in taxes on the homeowners and also the additional money that they would be spending in the area. The adverse consequences to not doing this, well, it remains a piece of vacant land. And I think councilman spelman said or touched on it earlier when he said really what you look to do in the use of property is to put it to its highest and best usage. And I don't think the highest and best usage with this particular very small piece of property is remain a vacant piece of land especially when it's already within the trailer park. I know the character of the neighborhood is not going to be changed in the least. I know that there's a desire to maintain the single-family residential program for the future. I appreciate that. But adding these trailers to this park will in no way affect any of the nature or character of the property. I think it was pointed out that the planning staff has certainly reviewed our request and has wholeheartedly approved our request. The planning commission also after I think a lot of input from pros and cons --

[buzzer sounding] -- voted 4-3 to move it forward with approval, but we did lack a quorum because there were two commission members who were absent. Thank you very much.

>> Mayor Leffingwell: Thank you. So first we'll hear from folks who are in favor of the application. Pat johnson is first. And is ray wallace in the chamber? Okay. Yes, ma'am. So pat, you have six minutes.

>> [Inaudible] you all can both relate to now, tow trucks. She didn't tell you what happened to her on saturday at the graduation. Lee, you were there, weren't you? I'm tired. I'm sure y'all are too. I want to show you all a video. This is a video I shot this morning to give you idea what we're doing. This is coming down riverside. We're going to turn on frontier valley so you all know what's going on out there. Those condos, they are 75% empty because they want \$155,000 each for them. If you are turning down frontier valley, the vacant lot across the -- that you are looking at right now, that property was foreclosed on, it's owned by the bank. We know the banks are not loaning money. Here's the mini storage. It's been out there as long as the park has been out there. That's where that jet crashed when bergstrom was here. This next section over here, that used to be the mira bell la tract. Originally that

was on sf-3. Then staff and council decided to rezone to mf-4 for an apartment complex. That place has caused a lot of great deal of pain in our neighborhood. The police have responded since january 1 117 times to that complex with 25 arrests. In the mobile home park down there at 1430 where I live, since january they've only been out -- the police have only been to our place 11 times with two arrests and those people didn't even live there. Stop it right there. Back it up. This is the area that we're talking about. In between the fence. Because if you look at the chart, it doesn't really give you if you are looking down at you don't know really what you are looking at. Right here that is correct is the only area they are going to put homes on. Now, a comment made during the planning commission meeting were a little hostile. You know, miss rama made the comment out there everybody is paying rent. I get a tax bill every year from the central appraisal district just like everybody else out there. We are homeowners. Whenever I moved from georgetown back to austin, i chose to live there. I chose to live there. So when I bought my home originally when I lived in san antonio I wanted to be a homeowner because I got tired of living in apartment complexes. It gave me an opportunity to experience what a homeowner is. I financed that home for 12 years. I bought it brand new. We talk about mobile, it's manufactured housing. It gives you a opportunity to become a homeowner. A homeowner. All right. Show you this next video here. This is what I'm talking about. Every home out there is owned by the individual that lives in it. That's my home right there on the corner. I've been burglarized three times. Three times. In all those burglars were coming from the montopolis area. From the montopolis area. But the issue here with this rezoning -- the issue with these mobile homes, people want to -- I don't know, they say they don't want no more mobile homes in montopolis. It's a home. It's my home. If I want to repaint my home, I can repaint my home. We talk about, well, there's no wheels on these model homes. Every home is mobile when you go to move it. Just like the houses in the historical -- in endfield. When you want to move a home, you put wheels under it and move it. So the issue shouldn't be about whether it's mobile. It provides an opportunity for someone to be a new homeowner. A homeowner. All those kids out there in that neighborhood, there's 153 homes that are occupied, have american children. Their parents may not have voted for y'all at the last election because they don't have a social security number but every one of them gets a tax bill and pay our property taxes that give our city the opportunity to move forward. I think this is real simple. You know, unfortunately some of the people in the montopolis neighborhood association, I don't even want to be a part of that group because it's just a certain group of people. Four or five people who want to tell us what to do. But that's not right. It's not right. We got businesses that are operating in that frontier at montana subdivision that y'all rezoning gave habitat all that property for free because habitat said they wouldn't build the houses and donate unless they build the land.

[Buzzer sounding] this is opportunity that allen, he's going to invest his money. He ain't going to the bank asking for money. To do all the infrastructure and give people an opportunity to be a homeowner.

>> Mayor Leffingwell: That was it, pat. Thank you. Next speaker signed up is randy allen, but he's the agent's representative and you've already spoken, right? So two people wanted to donate time to you. They can speak or you can take their time if you need it. Earhart fitzsimmmons and do you want to come back up, randy? If I had seen this, I would have given it to you initially but it's buried in the body here. But you can't speak from there. If you want to speak, you have to come up here. Three minutes.

>> In lieu of the late hour, i really don't have anything to add and would be glad to answer questions.

>> Mayor Leffingwell: Forks for me. So now we will hear from folks signed up against the application. Pam thompson. And you have three minutes.

>> Thank you, mayor and councilmembers. This is sort of a complicated case, and I think it might have been said at some point that the people that lived in the community, I live right around the corner, were against the mobile homes. That is totally wrong. We have worked with the mobile home -- the people that live in the mobile homes on several issues including traffic calming and we're working on a trail that is adjacent to the property. So we value the mobile home folks. What I'm going to try to explain is that all the property in the mobile home is now zoned single-family because the zoning change occurred when the property was randy allen, who is from colorado. He has told us that he is an investor in that property and gained it for that reason. We were also told that the lot rent for \$325 or \$345 each plus the home,

the mobile home price. So that is a lot of money. We were also told that the water bills are separate from that and that they have one meter at the street and then the mobile home people charge them for the water. So I don't know the wherewithal or if that is true, but that's what we've been told so maybe we can clear that up. The mobile home use was grandfathered until the property was sold. You will be zoning a small portion of the property sf-3 and the rest will be single-family as the future land use required. The proposed street in the neighborhood grid of the -- what is it, the future land use, add this small tract to the rest of the mobile home park. So if the property is sold, they will have a sliver that will be sf-3 and the rest will sf-1. So the buffer that is referred to in your backup is already in place and you saw that on the video that he had there. We have many apartments across the street and they graduated it from commercial on riverside to lesser zoning all the way back. Now, the -- the grandfathering of the mobile homes is in place, and david sullivan from the planning commission told us that temporary housing could be placed on this property without a zoning change. And also there is nothing to prohibit the gentleman from building single-family residences there at this point.

[Buzzer sounding] so what we're asking is just please keep it contiguous with what the rest of the property is. And we have nothing against the mobile home people.

>> Mayor Leffingwell: Thank you, pam. Next speaker is stefan ray. Three minute.

>> My name is stefan ray. I live in the frontier at montana subdivision and I'm also a member of the frontier montana homeowners association. A group that was not listed in the backup material and all the other organizations. I'm not sure if we got notification or not. I've been a participant in the montopolis plan team for the past year since I've been living there. The land use study referred to by staff actually produced 1999 by university of texas states there is a disproportionate number of mobile homes in the montopolis area. 13-1 Ratio. And in fact that land use study did recommend that the frontier valley property be amortized and turned into single-family homes. Also the flum created in 2001, staff said that it was put as single-family on the flum because there was not a mobile home designation. That was not true. From all the people that participated in the development plan in 2001, they said that they specifically put it at single-family because that is the type of zoning that they wanted that land to have. There was a lot of debate and study about which property within montopolis should be single-family and that's why they gave it that designation, not because mobile home was not a category for them to put on the flum at that time. So also at the -- at the montopolis neighborhood contact team meeting that occurred where there was a vote taken with only one dissenting vote against, in other words, to oppose the zoning change, there were also people who were residents of the mobile home park at that meeting. There were people who were residents of the riverside homeowners association. There were people that were residents of the older part of montopolis, the frontier at montana homeowners association, so it was a representative meeting of people from different parts of montopolis all voting against changing this zoning. A number of different things were brought up at the planning commission meeting where there was not a recommendation and including some -- one issue that was -- that planning commission members thought was a question which was if you change the zoning on one piece of their entire property to mobile home, then the rest still remains single-family, does that not give them a precedent or some sort of legal challenge to see, well, we've got this part mobile home, why can't we revert back to mobile home for the rest of it. That was one of the issues brought up at planning commission. So there's also -- you'll need to realize that the applicant bought this property after 2001. The applicant bought this property knowing full well what the zoning was --

[buzzer sounding] -- and what the montopolis neighborhood plan was. The ultimate thing is the montopolis neighborhood plan needs to be expected a the contact team vote needs to be respected. Thank you.

>> Mayor Leffingwell: Thank you. So the applicant has three minute for rebuttal if you need it.

>> Just a couple of things I'd like to point out. First of all, every person in the park owns their trailer. Management ownership of the park does not own a single trailer, period. That's a fact. Secondly, the rent is 345 for a two-year lease and the meters are separately calculated for each trailer based upon a

master meter and then meters to each of the trailers for water. All residents have their own electricity. It's a very affordable situation. I did attend the neighborhood meeting at the request of the city planning and zoning folks that I went and talked to and said what's the best way to, you know, bring this up and spearhead and they said attend the neighborhood meeting. I did. I made full disclosure to everybody there when we bought it, why we bought it. Obviously nobody would buy any commercial activity expecting to lose money. So yes, we bought it as investment. We spent a lot of money in turning it around. Recently met with the chief of police here in austin along with 15 of his command staff who came out to the park to talk to all the park members. It was unbelievable, it was awesome. And he took me to the side and said I want to thank you so much for what you have done in turning this place around. So we've done a lot to create a sense of community, ownership and pride at our park and we continue and plan to do so in the future. Thank you very much.

>> Mayor Leffingwell: Thank you. That's everyone we have signed up to speak. So the floor is open for a motion on item number 92. I believe it's only ready for first reading. Is that correct?

>> That's correct, mayor, since we didn't have a commission recommendation, we didn't prepare an ordinance for this particular case. So you have first reading this evening and if it was a favorable vote, then we would come back another evening for second.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: Yes, I'd like to ray or thompson, either one. I just wanted to get a better understanding of the neighborhood's concerns about having mobile homes there. Have there been particular issues that have been caused as a result of having mobile homes in the neighborhood? Are they causing some sort of problems in the area?

>> No. There's no an issue with the mobile home. The issue is with the fact that the single-family zoning needs to maintain in place. We don't think that the mobile homes will always be there and when there is a transition to another -- another type of development, we think it should be single-family. We believe if it gets the mobile home designation, that's reducing the amount of single-family zoning there and that it would be -- it would mean that that mobile home designation maybe could become some other multi-family zoning for larger -- larger condo-type construction that is correct sort of thing. But to answer your question, no, there's not been specific issues with the mobile homes.

>> Riley: Help me understand. Is there a trail -- I know you've been involved with the montopolis tributary trail in the area. Does this trail go anywhere near this property?

>> To the -- yes, the mobile home park is bound, one of the boundaries would be one of the branches of the montopolis tributary.

>> Riley: I'm sorry?

>> One of the boundaries of the mobile home park is adjacent to one of the tributaries of the montopolis, one of the branches. On the opposite side is where the proposed --

>> Riley: Is there any need to have an easement or anything in that area?

>> It's not on the mobile home property.

>> Riley: And there's nothing that the mobile homes -- I'm trying to -- if there kind of -- if the owner of the mobile homes were to do something to support the trail, is there anything that can be done with this site that would further the neighborhood's objective?

>> I can't -- I mean I can just say what the contact team voted and it was overwhelmingly voted to oppose this. I can't [inaudible] I would have to go back to the montopolis neighborhood contact team.

>> Riley: I'm trying to find basis for further discuss.

>> For them to debate and discuss. I'm just representing --

[inaudible].

>> Can you speak in the microphone?

>> We had a meeting with the mobile home and presented the park and they all -- I mean just unanimously supported the trail idea because right now there's a really busy street and their recreation center is across the street from half of the mobile homes and it's like a four-lane street. So people used to be really fast there before the traffic calming, and so they were really looking forward to a place to teach their kids to ride bikes that wouldn't have cars zooming through it really fast. So when we discovered that this was the problem we were talking about the trail, then everybody in the neighborhood got together and tried to get the traffic calming going. So now there is traffic calming on the street that's in the middle of the mobile home park and then our proposed trail will go across the back of it and that will be a safe place for the kids to learn to ride their bikes. And no, nobody in the neighborhood is opposed to the mobile homes grandfathered use. It's just simply when the property is sold, we wanted it to be contiguous with the flum and so that is the only reason we are here, not because we don't like the mobile home park.

>> Riley: I understand that. I was only asking because

[inaudible] it's a matter of approaching the owners of apartment complexes and asking about -- asking permission for easements to support the trail. Seems like this might be an opportunity if there were opportunities to support the trail through some easement along the mobile home park, this might be an opportunity to have that conversation and I just wondered if anyone has explored that or if you see that as a possibility. Since we're not prepared to act on this on all three readings, is there any possibility that there could be further conversations that would -- that would provide something of benefit to the neighborhood and particularly in reference to the trail.

>> What I could do is ask the board or the contact team to put that on an agenda item and have it be a discussion. That's the only thing I could say.

>> Riley: But just you've been more involved with the trail than anybody. Does it strike you as a possibility? Can you see any way that some construction on part of the trail could be --

>> I don't know that -- i don't think that when people were -- first of all, it's not necessarily part of the actual proposed trail route and the property would not need to have an easement on it. So that's -- that's a different issue. I feel like we're trying to bring two different things together but I'm not sure they are necessarily related. And I don't know that -- I can probably assume that some of the people who are wanting it to remain single-family would still want it to remain single-family regardless of the trail issue and that might not be room for --

>> Riley: I guess I have to ask one more question about that. I know the neighborhood is very interested in supporting single-family homeownership and we heard arguments tonight to the effect that the mobile homes -- the people living in the mobile homes in some respects it does represent single-family homeownership because those are their homes and single families are living in those homes just as families live in small houses in residential subdivision. So help me understand if there haven't been any particular issues with this mobile home park, what is the conceptual -- what -- why is there such a gulf between --

>> the concern is the encroachment in single-family zoning in the neighborhood. There's already a lot of multi-family and commercial zoning along riverside especially with the east riverside corridor. I think

historically when the montopolis neighborhood plan was developed, I believe that there was -- it was very intentional the inner part away from 183 would be single-family. It's one of the few places in austin where people are able to afford single-family homes. With -- I mean we're talking about homes with -- where they own the lot, where they own the land, not just the structure that's on the land. There's a big difference there.

>> Riley: And that's what I'm looking for is the difference. If these properties have been well managed and maintained, what's the difference the neighborhood standpoint in who owns the dirt underneath the home?

>> I don't know. But I also believe that it's possible that they could put other structures -- this is one of the things that came up in planning commission, there's other structures, not quote unquote mobile homes, but there's other types of structures they could put on that property and have people living in them but still retain the current single-family zoning. I can't remember the name of the type of structure, but it's not a mobile home, but it's a -- it's a -- basically you are putting a structure on that property, not building it, you know-brought in externally and placed there.

>> Riley: And not a manufactured home but a temporary home.

>> Yes. Yes. So there's other ways that they could utilize that land, maintain the current zoning, not have to change the zoning, they can utilize that land providing homes to people. But I think what they are trying to do is maximize the number of units on there and i also think they don't want to go to that expense [inaudible] but I don't know.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: Question for mr. guernsey. This sounds like -- I'm looking at the zoning use summary table from the land development code. And if one is to put mobile home residential use anywhere, the only place you can put it is in a mh zone.

>> That's correct. And actually they are manufactured homes. We've actually stopped manufacturing mobile homes. Our zoning ordinance calls them mobile homes, but after 19 I think 77 it's basically called a manufactured home. And that's what all the units are sold and constructed in texas are manufactured homes. And yes, you are right, this is the only place they can go in. You could not build a single-family home in mh zoning. I think this council has had down zoning from mobile home zoning to single-family so someone could build a detached single-family home. You cannot build townhouses, you cannot build condominiums. You could not build an apartment complex in mobile home zoning. You would have to rezone it to something else, utilize it for

[inaudible]

>> Spelman: I did notice the historic use is conditional use, but it will be 50 years before we have to deal with that one so I'll leave that one alone.

>> Anywhere in the city of austin someone could take a manufactured home, put it on a permanent foundation and it could be put on any sf 2, 3, any lot that allows for single-family residence. But it would have to be a permanent foundation whether it's pier and beam or a slab, concrete slab, it could be put in a neighborhood. We have many deed restrictions, private deed restrictions within austin that certain neighborhoods would not allow that type of construction but not under city ordinance we would allow it.

>> Spelman: To your knowledge, are there any private deed restrictions in this section of montopolis?

>> I'm not aware of anything that would prohibit that construction in this area. So if somebody wanted to -- in the single-family neighborhood across the street, if somebody wanted to bring in a -- I'm not aware of prohibition of that but city because you would know about that on the purchase of the property from

the prior property owners through a title search and looking at records.

>> Spelman: So the difference between a mobile home residential use under the land development code and a single-family residential use, it could be exactly the same trailer, but if the trailer is parked on a permanent slab, then it could be classified as single-family residential.

>> Yes.

>> Spelman: Not on a slab.

>> Not on a permanent foundation.

>> Spelman: Not on a permanent foundation of some kind. Then it would only be classified as a mobile home residential use.

>> That's correct. These units still may have electricity hookups and plucking hookups that may resemble that, but they are not meeting the building code of the city of austin for permanent foundation.

>> Spelman: And the permanent foundation could just be a reinforced concrete slab with nothing else. The slab would qualify as permanent foundation.

>> On a pier and beam foundation would also be allowed.

>> Spelman: Okay. Do you have a second? One way of threading this needle and giving the neighborhood what it wants and giving you what you want might be to ask to you pour reinforced concrete slabs on those 11 places where you would want a trailer to be parked on this land. I have no idea how much that would cost you or how much trouble that would be, but that would allow the sf zone to continue, but you to be able to park manufactured houses on that part of your property, you don't have manufactured houses on now.

>> Councilman, really it does have a lot to do with the cost of economic development and if we were to try to do anything other than manufactured homes on this very small, long, narrow piece of property, it doesn't work financially. And we've looked into that and that's -- that's the reality of it. One thing that I did propose in the commission hearing which I think had the favor of every commission member and i think alleviates some of the fears expressed tonight by the opposition was to agree to a provision that if the property were to be -- if the use of the property were to be changed, that a mobile home 68 acres would revert back to its original zoning. It would be just like the remainder of the trailer park. So then it would be an approved nonconforming use. So its nature would then revert back to the same. And there wouldn't be that fear that you would have this 68 acres zoned mobile home and then next to it 24 acres or 3 acres zoned as --

>> Spelman: I'm not sure i understand the instrument you are talking about. Could you explain it to me again?

>> Sure.

>> Spelman: It's too late in the day for me to pick things up the first time.

>> I think one of the concernsthat the opposition had was that if the use of the property changed at some point in time, if the use changes, my understanding, and please if staff is -- can correct me if I am wrong, but if the use changes from mobile home to something else, it reverts back to its sf-3 zoning. Isn't that correct?

>> Well, I think what may be being discussed is sometimes we have property owners that will offer a restrictive covenant, they would basically say that they would not object to the rezoning of the property

to some category in the future. It doesn't happen automatically. There has to be an application filed to rezone the property that council would have to entertain and approve. It's also not to stop a future property owner necessarily from filing a petition against the rezoning, but it does show allan were to sell the property to a different property owner, they are kind of put on notice that there was an agreement by the prior property owner that they would not object to a rezoning of the property on, to, let's say, sf-3 mp in the future and that would be on the record. So if someone did come back up before this body, they might file a petition, but it would also be with the knowledge that when they purchased the allan that they understood that there would not be an objection from that property owner even if they did object, it would require super majority of this council, but it's kind of on the record as it comes to the floor.

>> Spelman: Who would file for rezoning in staff?

>> Council could direct staff to initiate it. The neighborhoods sometime come before the planning commission and we've had an occasion where the planning commission has brought to the attention there was an agreement like that and the commission has initiated some of those cases. Some of those have already come before council. Sometimes council approves it, sometimes council disapproves it. It depends on the circumstance at the time because depending on the length of time that has passed, the conditions within that area may have changed as well.

>> And I think what's important to realize here is that the trailer park can operate as a trailer park for the next 200 years. It's an approved nonconforming use and its use as a trailer park goes on forever. But what we're talking about is that 1.68 acres. If that were to be sold or we could even condition on the park being sold, then that particular piece of property's zoning would revert back to the same zoning as the trailer park. So then there wouldn't be this 68 acres out there with mobile homes.

>> Spelman: Would you object to the restrictive covenant we're talking about, greg?

>> It could be a public restrictive covenant saying they would not object, but that doesn't stop them from filing a petition in the future because every property owner has a right to file a petition. The only thing it would do is just kind of put the next owner on notice that this owner has agreed that they would not object to it a rezoning of the property to a sf-3 designation in the future.

>> Spelman: Also restrict the size of any future mobile home park to 1.68 acres.

[Inaudible] mobile home park and this were rezoned mh regardless of whatever

[inaudible].

>> Right. It would be limited to zoning. They wouldn't be able to do much other than mobile home. I did want to point out one thing that we discussed earlier. If they were to put them on permanent foundations, there would be a limitation that they might be able to get only allan wanted to go in and subdivide the property. Because as you put them on a permanent foundation, each time you put a permanent foundation on there, each one of those mobile homes, that's a regular dwelling unit. And if you exceeded three or more, we would actually require multi-family zoning of allan which would be even more intense zoning than mobile home. If he puts them on a permanent foundation, staff will treat them differently and that will be treated like a multi-family project which is the same as the zoning to the south. I just want to make sure everyone understands that if allan does that he will actually have to subdivide those into individual lots, which would require different street frontages for each one of those lots, possibly to put in a street and reduce the number of units.

>> Spelman: My grandfather's term for that was too clever by half. It was worth a try. Would you have any objection to signing a restrictive covenant?

>> No.

>> Mayor Leffingwell: Further comment? Motion? Councilmember spelman.

>> Spelman: I hate zoning cases, especially this time of night, mayor. Mayor, I move approval of the staff recommendation with the direction or the conditional requirement.

>> So you are accepting the applicant's offer to enter into a public restrictive covenant that would -- that he and future owners would not object to a rezoning back to sf-3 if the use would cease or change in the future.

>> Spelman: Mayor, what he said.

[Laughter]

>> Mayor Leffingwell: I kind of like the way you said it better, councilmember. Close the public hearing and approve on staff recommendation on first reading only with additional directions pertain to going to drawing up restrictive covenant for second and third reading. Seconded by the mayor pro tem. Is there any discussion? Councilmember morrison.

>> Morrison: This is a tough one, but I just keep going back to what I think is the real driving need and that is that we try to keep moving forward with the intent of the neighborhood plan which doesn't support having to go back and having this become mobile home. So with that I'm not going to be able to support the motion.

>> Mayor Leffingwell: Anything further? All in favor of the motion say aye.

>> Aye.

>> Mayor Leffingwell: Posed say no. Passes on a vote of 6-1 with councilmember morrison voting no.

>> Thank you, mayor and item. Item 97 is our next case. C14-2010-126 for rezoning the property at robert lee road to conditional overlay or sf 6 co. The planning commission did grant the sf-6 co and I wanted to let you know the property owner discussed this with ryan, the applicant, just a little while ago when we were out in the lobby during the break and he has basically agreed he would not seek a variance. That's his words really, not mine. But his intention is to put a sidewalk in if that makes any difference to the city council. And I think he is still here. He might be one to come up and state that for the record if that makes difference to any of you on the dais.

[One moment, please, for change in captioners] single-family classification, but the permit was issued for triplex, and eventually a certificate of occupancy was issued on the property for a triplex. Even though the zoning did not permit said use. So the owner is coming forward today, and is a recent owner in the last couple years, was not aware of the zoning issue, became aware of that issue, and is coming through and asking for rezoning to bring the property in compliance. I believe the owner agreed to limit the number of units to only 3 through the zoning change. There is option also from the contact team and adjacent property owners at an area, and I believe that's all in your backup as well. We have a letter that was received by the city council last week. The owners have enlisted the services of an attorney recently, mr. terry urion. He has provided a all right requesting a postponement because he is not available. He is out of state on this day. However, there is an agent here with gerard vincent, here that he can speak to both the cases, the plan amendment and the zoning change. I guess I'll pause at this time. If you have any questions on this zoning change request --

>> mayor? mayor pro tem? greg, I wanted to ask if 98 doesn't pass does 99 still have to be heard or does it go away.

>> If 98 doesn't pass, in the zoning ordinance it states you should zone in accordance to the adopt a neighborhood plan, but it is council's decision on interpreting what the neighborhood plan means, so I

think the case is still before you, can still be considered and it's still your decision to take action on that case. the answer is yes, we have to hear both cases.

>> Martinez: all right. And I'll be voting against both of them. The other question I wanted to ask, though, is didn't you postpone this previously because the owner couldn't be in town and we postponed it because they wanted to be in town?

>> Yes, I believe it was as your last meeting there was a request for postponement brought by the applicable, and vince came forward, the agent came forward, and indicated, I think one of the owners's wife recently had aha baby and that they couldn't be here and they wanted to postpone it so that the owners could be present. I don't know if the owners are present here today, but I know the agent is --

>> I'll be voting against any request for a postponement as well. Thanks, mayor. thanks for that advance information, but we do need to hear from the applicant, and allow him five minutes. To speak to the council. mayor, his house is across the street from my house, and that 98 and 99 and hyde park is my neighborhood, so I will be recusing myself from the last three items of the evening. good for you. Thank you, council members.

[Laughter]

>> mayor, I live in austin so I'm going to recuse myself and go home with council member spelman.

[Laughter]

>> can I do the same?

>> Certainly, sir. And you have to five minutes.

>> Thank you, vince. I want to let you know the owners are not here. They let each one of your offices know by phone call the reasons why. The second thing is that this has got to be clear too. It has nothing to do with verizon. Verizon contract has been terminated. The verizon permit has been revoked. It has nothing to do at all with verizon wireless that was on this site. First I want you to look at real quickly the land use plan for the north university neighborhood. This shows the project is clearly next to mf-3, across the street from other mixed use and mf-3 tracks. As greg mentioned, there was permits issued, not just one but multiple permits issued, see for the triplex with the address. These permits were inspected and finalled in 1983. Multiple building permits, as you can see, for apartment house, repair bplex, repair triplex, all the way through. And the most important thing, the certificate of occupancy. The c of o says what it is. You also request a c of o when you change the use. There are other times when you request a c of o, but in '83 they issued a building c of o. Everything that we found clearly indicates the site was permitted, constructed and inspected and occupied as a triplex for over 27 years. We also looked at some of the tax information since 1986. It's been tax valued as a triplex. Those taxes have been accepted by all the tax institutes involved as well. The north university neighborhood plan primary objective and goal is to preserve the integrity and character of the residential. Just basically here's a residential, here's the site. Rest denges in feel and character and -- residential in feel and character and look. It basically blends in with the rest of the community there. It's on 38th street, which is not a local street, by the way. But our primary objective here in this whole situation was to maintain the existence of the structure. We're not -- it's not a zoning for gain. We didn't come up here to try to gain 99% of the other sites. We're just trying to survive. If there was a mistake made, somebody else made it. It's kind of like the hot potato. They're holding it and they're going to be punished and that's not fair. Here's another land use map showing the malta family next to it. Mf-3, tomorrow could be converted to six or seven units right next door. Compatible. I'm not sure about that. On the -- on the nuna plan, it talks about protecting core residential and it does a fairly good job of protecting the core residential but it talks about the corridor and the hard age, 38th and guadalupe, those hard edge roads basically surrounding the neighborhood. We would consider 38th street an arterial with these numbers. These aren't my names. Numbers. These are the city of austin transportation numbers. Compare those to something like we just

came up with on cesar chavez for about 23,000 trips versus 24. So if you're out there in the middle of the morning, you can see that this is a major arterial. The property owners have offered -- they brought this forward for compliance. They're not asking for forgiveness. They're doing this to just try to keep what they have intact. They've offered to pave the area behind there. It's one of the few lots that actually would have off-street parking in this whole neighborhood and landscape some area as well. I clearly see, and I hope you do, that there's no winners in this situation. There's nothing here that they're trying to gain. They're just trying to keep it intact as it is. The neighborhood is opposed to it because it's a new multifamily, possibly the way it exists right now, which is in question, but it's been there -- it's been there for decades. It's accepted taxes, and the owners have stated for the record they only want what they purchased in 2008, and I believe they're doing the right thing. I believe everybody in this room would, if it would purchase that, would ask for compliance or at least try to get compliance. Now, the letter that you urion, they've looked at the legal points of the situation and they're asking you to consider an amnesty c of o. If that would be considered, an amnesty c of o, according erion's office and his experience in land development, we would gladly withdraw the zoning case and take the amnesty c of o to continue on. thank you. We don't have anyone signed up to speak in favor who wishes to speak. WE HAVE linda McNeily signed up in favor of your application and beverly brooks, and kitty clark is also signed up in favor but donating her time to katherine moore, who is against. So I assume you metropolitan to say you were against it, ms. clark. Yes. Right? All right. We'll go -- assuming there's no one that wishes to speak in favor of this application, we'll go to those opposed and begin with katherine mcgraw -- karen mcgraw. David connor here? David? Linda team is here. John paul moore is here. And are you telling me now you want to go first? All right. Mattery engel and ann graham. Is ann graham here? Ann graham is not here? Rick iberson? Rick is here. Actually rick you signed up three times, totaling # minutes but you can -- totaling 9 minutes but you can only have 3. So mayor -- you can only donate 3. So mary, you have six minutes.

>> I'm mary engel, co-chair of [inaudible] -- oh, sorry. There we go. I can even hear myself. I'm mary engel, the co-chair of campack which is the contact team for the central austin neighborhood planning area, and I would like to voice our collective unanimous opposition to this proposed rezoning from sf-3 to mf-1 and the plan amendment request for several reasons. We believe that this type of zoning change would negatively impact our planning area because, number one, it would undermine the north university mccd, which was carefully crafted, and it would undermine the community vision that we had in the neighborhood plan, which was rather painful. North yuft neighborhood is the -- university neighborhood is the third densest neighborhood in the city and we are not opposed to density. We have density. We are opposed to illegal units. 2, it would set a bad precedent for legalizing the use that was not established legally. Having three units in one building has always been considered an apartment since the zoning code was established in 1931. This property has sf-3 zoning and it is not an apartment building. 3, if this sf-3 property were allowed to maintain its three illegal units, then it would be harmful not only to north university and -- but also to hyde park, which is across the street on 38th street, and this little exhibit shows that 38th street cuts right through these two neighborhoods. It's an arbitrary division. It's a two-lane street. This is not an arterial, although it's used as one. It's a neighborhood street that could have some calming on it and there's sf-3, the yellow coloring indicates that there's good planning on both sides of the street. Sf-3 reigns. The bottom line is that this sf-3 lot does not have the 8,000 square foot minimum requirement to become an mf property, as specified in the land development code. By granting a rezoning to multi-family for this property it would overturn a november 4, 2009 boa ruling brought forward by this property previously -- well, actually the neighborhood did -- against housing cell phone equipment on this particular single-family property, because the underlying purpose of this case is to set a precedent for lining 38th street with cell phone installation and equipment boxes has some private lots. Maybe verizon, the cell phone company, is no longer in the mix, but there are other cell phone companies with contracts pending just waiting to land a position on 38th street. A certificate of occupancy document keeps popping up for 1983 on this property. This document looks as if the for filled out but it was never signed by leon barba, the building official. You can check, the one tonight, there was no signature. This is not a valid certificate of occupancy. From the city directories i traced the occupancy of this structure from 1979 to the present. A third unit appears in 1984. However, this property does not have a perfect occupancy track record for all three units. Since there has been a spotty track record for occupancy and it turns out that maybe there are three years

when out of all those, quote/unquote, 27, 26 years of having three units, only three years were three units occupied. This would -- to me it would indicate there might be something wrong with this particular house, and this -- this is actually not a proper two-story house. This is a one and a half story, and there also might be code issues with the ceiling height because two units are located in the attic. Actually I believe that this case has a remedy in code compliance. The plan amendment process was used here to remedy a simple code compliance issue, which has been a wasteful expenditure of time and money for the city and staff and our volunteers. A dedicated court with a dedicated judge might have been useful in this case. Since the city staff and the planning commission and nuna, along with campac all unanimously have opposed and opposed this request for rezoning as the co-chair of campack I respectfully request that you deny this rezoning and this plan amendment. Thank you. thank you, mary. Okay. Are you going next, karen? And david connor again? All right. Linda teem is here. John paul moore I saw out there. So you have to 12 minutes if you need it. If you want to curry favor --

>> I know you don't want to hear me talk for 12 minutes. Karen mcgraw and I have three things I want to tell you about. First of all, as a consultant to the north university neighborhood between 2002 and 2004 and crafting their nccd, I just want to mention to you the property just to the south that keeps being mentioned as multi-family, that property has three units, and when we were reworking all of the zoning in the neighborhood, if there were three units and they were bona fide legal units, we were not permitted to try to rezone that to single-family. So it is multi-family. However, that is a very large lot. It's over 10,000 square feet, and so that density of one unit per about 3500 square feet is totally in line with single-family uses, and when you look at this on an aerial, all of these houses on the block just appear to be a single-family block. So that multi-family could not become six units, because you have compatibility standards and other regulations in the nccd. So it's simply being maintained and recognized for its existing three units. The second thing I want to say is, I am chairman of the hyde park contact team. We are notified because we're within 300 feet and because everything on our side of 38th is single-family, although we may have one or two of these, not quite legal, three-unit properties, it is a very bad precedent to set on this street, and we are against this change in the flum to multifamily and this multi-family zoning as being a bad precedent for hyde park. We also have a national register district and hope to have a local historic district very soon. The third I think I wanted to say is that during -- third thing I wanted to say is during 1993 and 1994 i was on the austin cell tower task force and we crafted the rules for cellular towers and the first and most important two rules is you're not going to have a cell tower within 200 feet of a single-family. Those are very important and I think they came to bear with the board of adjustment ruling. So even though we know that we have a great threat of austin energy wanting to lease these towers, it's unusual to have large towers like this right by homes, and so even if that contract is gone, again, I think it's totally outside the intent of the ordinance to have cellular installations on this property. Thank you. thank you. We have katherine moore.

>> Was katherine going to speak?

>> Yes. but i don't have you signed up.

>> I'm dorothy richter. I live at 3901 avenue g.

[Laughter] you don't go by that sign-up stuff.

>> It may just seem to me, but this case seems like a no-brainer. First the guy comes -- you have three minutes and i want you to sign up with the clerk.

>> That's all I need. No, it seems like it's just a no-brainer, if first you want to put a cell tower on property that's not zoned for it, so then he wants to zone the property so he can put a cell tower, and he doesn't have the proper square footage. So it just seems like he's kind of fighting a losing battle. Now, maybe in california they do that, but I hope we don't start doing it here in austin. Thank you. thank you, dorothy. Now, katherine moore? You're going to pass? And kitty clark, my old friend kitty clark? Okay. So you pass with her. That's good. And katherine moore signed up again, and -- for her question, and again, linda McNEILAGE AND BEVERLY Brooks up for but not wishing to speak. Applicant has three minutes

rebuttal time if he need it.

>> Thanks, mayor. There is no cell tower. Colocations on austin poles all over the city. It's completely by code, even when boa took it back in and revoked the permit, greg guernsey himself asked them to reconsider it. But this wasn't about a cell tower. It started that way. There's no contract with verizon, and we really would appreciate your help on this. thank you. That's everyone we have signed up to speak in this public hearing. So the floor is open for a motion on item 98. Mayor pro tem moves to approve the staff/planning commission recommendation to deny the application, seconded by council member shade. Further discussion. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. So your request is denied for the flum changes tonight on a vote of 6-0 with council member spelman off the dais and recused. We'll go to # 9.

>> And that did -- 99.

>> And that include closing the public hearing too? since it's denied it would be hard to have a public hearing on it, yes, sir. # 9. And you've -- 99, and you've already given your staff presentation on 99 as well? Okay. Does the applicant wish to speak as well on 99, the zoning case? And so we do have some folks signed up to speak again -- against the zoning case who have already spoken. Do you wish to speak again on the zoning case? I'll just read off your names for the record. Karen mcgraw, no. David connor, no. Is that right, david? Kitty clark? Dorothy richter? This is the case you signed up on, dorothy. That's why I couldn't find you before. You don't wish to speak again? Marry engel? -- Marry engel? Ann graham, rick iverson? John paul moore? Katherine moore? And those are all the folks we have signed up wishing to speak in this hearing. So I'll entertain a motion on item no. 99. Mayor pro tem moves the planning commission recommendation to deny the request. That's seconded by council member cole. Yes, of course. Move to close the public hearing and deny. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 6-0 with council member spelman off the days and recused. And that takes us to 100. mayor, I'm sorry, i have a procedure question for the lawyer. -- I think it was 61, council members riley supposed to be a co-sponsor?

>> [Inaudible] oh, you got that -- you didn't have to admit that.

>> [Inaudible]

>> mayor leffingwell: yeah. We can make a clerical correction according to the city attorney and show council member riley as an additional co-sponsor of item 61.

>> Cole: thank you, mayor. go ahead, sir.

>> Thank you, sir. mayor, mayor pro tem, members of council. I'm steve sadowsky of the historic preservation office planning and review department, and I'm pleased to present to you the hyde park local historic district which has gone through the landmark and planning commission with recommendation for approval. The hyde park local historic district is one that the council has authorized under the general local historic district provisions, local historic districts are designed to protect, enhance and preserve the historic character of those neighborhoods in our city with historical and architectural significance. Local historic districts provide a greater bar for demolition of buildings and provide for the design standards for new construction and modifications to existing buildings. Design standards that the folks in the neighborhood have come up with apply to the rehabilitation of existing buildings, additions to existing buildings and new construction. They do not apply to routine maintenance and repairs, painting or the interiors of any building within the district. The proposed hyde

park historic district has 672 properties within the district. Of that number 480 are contributing to the historic character of the district. The hyde park local historic district also incorporates two national register districts, hyde park and shadow lawn, and we have petitions in favor -- in favor of the support of the district from owners of 51% of the land area. To give you an idea as to the variety of architecture in hyde park, hyde park began in 1891. It was by mon row shiep who owned -- mon row shiep who ran a street car company and ran it from downtown to hyde park. It originally had large houses on large lots such as this one. As time went on we saw the development of queen ann style in hyde park and finally the smaller bungalows as the economic depression of the 1890s forced the sale of large lots into smaller ones and the transformation from the large houses into the bungalow's that we see of the teens and 20s. These are the architecture that characterize hyde park. We also have a large number of historic landmarks in the proposed hyde park local historic district. Those are both in the hyde park national registry district and the shadow lawn national registered district. This is a map showing the contributing properties as of the time of application, and as you can see there's 480 out of 672, well over the 51% necessary required by code, and here is a map of supporting properties as of the time of application, and city staff has validated that this represents the owners of 51% of the properties within the historic district. Let me just run through the design standards very briefly. I'm not going to read these out for you. You can read them for yourselves, but you can see the types of things that these design standards are addressing. First is to retain the historic style of existing structures. A lot of this is based upon the secretary of interior's standards for historic preservation, repairing rather than replacing deteriorated historic features and architectural elements. The neighborhood association has worked very closely, both with city staff and with stakeholders in this historic district, proposed historic district, to come up with a consensus on these design standards. Part of the changes that were made during the course of this nomination were as a result of meetings with additional stakeholders. Their suggestions have been incorporated into the design standards that you see today, as well as meetings with city staff to recommend changes to the design standards. So the last one on here is one that represents a compromise between the original design standards and the wishes of stakeholders, and this is to substitute identical recycled historic materials, if available, and if they are not then contemporary materials are acceptable to replace original historic fabric on a structure. This is another compromise that has come about very recently dealing with the photovoltaic and solar thermal installation on existing buildings. The original design standard was floated out there. There were comments by many of the stakeholders in the proposed district, and what you see here is accommodating the changes suggested by the stakeholders in the proposed district. Woins, doors and porches -- windows, doors and porches are also very important to maintaining the character of the district, and again, this was -- these have been modified during the course of processing this application, taking the comments of the stakeholders into consideration, and number two here is a result of those -- of that compromise. That says to retain original entry doors. The original entry doors on a house are generally of much higher quality than you can buy today and they were designed in the same style of the house. If replacement is necessary, however, then choose a door that's compatible with the historic character of the house in terms of design and materials, and this is something that was brought to staff's attention, and we incorporated that into this powerpoint and we'll recommend this as the compromise for the design standards. For exterior lighting, maintain the original location and fixture style of the lighting. Really the only thing that -- the only prohibition here is to avoid gas lights or other large fixtures like lanterns on the outside of the house that are not in character with the architecture of the district. Maintaining the original roof pitches, historic dormers. These design standards allow for metal roofs on properties, maintaining existing chimneys and the materials and roof pitches of garages. For new construction single-family houses, the design standards really ask contractors, architects, property owners to look at the -- look at what surrounds them. Use the massing scale and architectural elements typical of contributing buildings on the block. This is an attempt for new construction to blend in. This does not dictate style. All it does is say that your new house should not be the thing that stands out in a historic district. It should be compatible in terms of its size, scale and massing. Same goes for the fenestration patterns. Look for other houses around it to decide how are you going to have windows in the house. Don't use false divided lights. Those are the windows that have the pane dividers in between the two panes of glass. Consider half story design because that's typical of houses in hyde park outside of the early ones, almost all the houses in hyde park are one story except for additions that have been built. Locate dormers and gables on the sides and rear of the structure, and while you don't have to have a front

porch on new construction, if you're going to have one, make it at least 7 feet deep, because that's compatible with the -- with the rest of the houses in the district. Locate the entrance on the front facing the street. Use wood siding, sem tishes siding, brick or stone exterior materials. These are all designed for new construction to be compatible and complimentary to the historic character of the district. If you're making additions to existing houses construct them so you don't have to tear down a lot of the existing historic house. Design them to reflect the form and style of the existing house. It should be subordinate to the original house and locate them to the rear or rear side of the building. The idea here is to maintain that historic street scape and the character. The rest of these all follow that same general philosophy. Locate second story additions at least 15 feet back from the front wall of a one-story house. Only makes sense. For garages, they're to be detached and located to the rear of the lot. That is in conformance with the character of the district. Don't locate garages or carports on the front facade of a building. Design new secondary units to respect the traditional patterns of hyde park. Hyde park is already an nccd, so a lot of these things are already covered, and we don't need additional design standards to repeat the provisions that are in the nccd. These are all basically echo, the -- echo the nccd provisions. Driveways, locate them from the front lot line along the side of a house, typical of the neighborhood. Don't have a circular drive in front of the house. That is also typical for the neighborhood. Fences should be compatible with the architectural character of the structure. For commercial property, there's very little commercial property in hyde park that is contributing to the district, so this is really aimed at noncontributing or new construction, and new commercial development in hyde park should adhere to the historic patterns. Multi-family property should also adhere to existing neighborhood patterns. That concludes my presentation. As I said, the landmark commission and planning commission have both recommended this for approval. Staff also recommends this for approval, and I do want to extend thanks to the folks in the neighborhood association as well as all the stakeholders who brought their comments forward so that we could come up with as great a consensus as possible in develop these design standards. Thank you. so, sadowsky, for purposes of public hearing, the city is the applicant?

>> Yes, sir.

>> Mayor leffingwell: okay. So unless there are questions from staff we'll go directly to our public hearing, and go to those signed up for. Just point of clarification, john paul moore is signed up neutral. Are you neutral or for?

>> [Inaudible]

>> we can accommodate that. Okay. Those four. First is lorri weidlich. You'll need to correct me on that.

>> Nobody ever pronounces that --

>> before you start, though, we have a whole bunch of people donating time to you. Ann graham. Is ann here? No. Jennifer minner? Jennifer minner here? No. Kent anschootz? No? Kitty clark is here. So you have up to six minutes.

>> I won't take that long. I know it's getting late. This is an event toward which hyde park has been working for around 40 years. It began with dorothy richter's successful campaign to save our fire station, which led to the founding of our neighborhood association with its avowed purpose of preserving hyde park. After that came several decades of fighting against the demolition of vintage houses, and we lost many of those fights. We now have apartment buildings where rows of bungalows once stood. In 1990 hyde park became a national registry historic district. It was a recognition of our historic status but it didn't provide any protection to preserve that historic status. In 2000 hyde park became a neighborhood conservation combining district. That at least brought us some protection, but it didn't address our historic status. This is the logical next step in the process, becoming a local historic district will provide us protection specifically for our historical features. We have spent four years in this process. I don't need to go through the details because our new president, lisa harris, has emailed each of you describing everything we've done, but throughout the process we have constantly reported back to the neighborhood through articles in our neighborhood newsletter. We have repeatedly invited participation.

There were public meetings announced with fliers delivered to every house in the proposed district. We had block captains and we can a walk-a-thon, collecting signatures of support. We've cooperated with the city in every respect, including making the changes that city staff required to our preservation plan, furnishing them with any documents, maps and spreadsheets they needed. We have satisfied every requirement. We have the support of homeowners, apartment building owners, three of hyde park's churches and the owners of commercial property. So many dedicated people have worked on this project that I can't even name them all, and it's been a rough process. Too many parts of it have not been well-defined and we have muddled through the best way we could using our best judgment and the only model we had, which at the time was carson street. Those of us who picked our way through all of the undefined areas hope that we've paved a few paths in the process. The city of austin has been reconsidering its historic landmark policy in recent months. In hyde park we have at least a dozen structures that could qualify as historic landmarks, not counting the 30 or so already in place. We could still follow that route, but it would just create a great deal more paperwork for the city and it still wouldn't protect the houses between the landmarks, the ones that weren't owned by famous austinites. The only way to protect those houses is with a local historic district. The history of hyde park is the history of austin. So many of the well-known residents of hyde park figured in the history of early austin and early texas. Frank fruit tree ramsey had a nursery located in what was then the outskirts of austin. The thriving peach, fruit and vineyard operations in today's hill country owe much to his efforts. Reverend henry sears was chaplain of the texas state senate from 1905 to 1915. Peter mansend was described as the man who could make a piece of wood breathe, and elizabeth may I don't even have to talk about. You-all know about her. Hyde park not only has historic homes but it has a historic park, a museum, a school, churches, bridges, commercial property and its own moonlight tower. So for the sake of preserving all this history, which is so intrinsic to the history of austin itself, help us put an end to this 40-year process. Please vote in favor of this district tonight. thank you. Next on my live is karen mcgraw. -- Next on my list is karen mcgraw.

>> Donating time to karen is mary engel.

>> Mary has left, but lorri has an order of speakers. well, nobody gave me that.

>> Okay. so just come up in the order you want, and we'll check you off.

>> Let me go ahead, mary carolyn will go ahead to be right after me. do you want me to tell who's donated time to you?

>> Okay. mary engel is gone. Ellen marberger is here. Pat tuesday is here. Jackie surround rat is here. So you have -- surrt is here. So you have up to 12 minutes 12. >> I won't need 12 minutes. I'm giving you some brochures, your brochures that I partly cloudy up at the airport -- that I picked up at the airport and they advertise austin's historic tours and hyde park is on the list. So you already think we're historic and you're advertising us at your visitors and convention bureau and we are participating in your tourism. So I just wanted to tell you that. It was nice to see those out at the airport. I want to talk to you about the process that we went through in hyde park to create this district. At the time that we started this work the city required that the evaluation of contributing and noncontributing buildings had to be made by a person who meets the secretary of the interior's professional standards for expertise in history or architectural history as described in the code of federal regulations. So I want to tell you a little bit about hyde park neighborhood association considered several consultants. The consultant that was chosen is preservation central, which is a professional historic preservation firm. Terry myers is its principle, principal, and she meets the standard for evaluation of historic properties. In her 25-year career myers has documented more than 30,000 historic properties, and has successfully nominated more than 7,000 to the register of historic places. In conducting the survey and evaluation of properties in myers followed the secretary of the interior standards for such work. She conducted a pedestrian survey of each and every building structure, object and site within the project area boundaries. She noted each building's salient characteristics, roof form pitch and materials, window and door type and pattern, the presence and type of porches, the siding material, et cetera. She dated each property and assessed its ability to convey a sense of district history for the district. She applied aspects of integrity, location, setting,

design, materials, workmanship, feeling and association. If a property dated to the historic period, being 50 years old or older, conveyed a history and generally possessed the seven aspects of integrity it was considered to be a contributing element in the historic district. If it didn't possess those seven aspects was determined to be noncontributing. District boundaries were drawn to include the largest expanse of contributing properties associated with the district's historic context. The boundaries went beyond the 1989 national register district because more than 20 years have passed since then and more properties now meet the 50-year recommendation for contributing properties. The consultant found the hyde park historic district to have more than 70% contributing properties within its boundaries and is an excellent candidate for a local historic district. I hope you will adopt this district tonight. Thank you. thank you. Did you want to speak next? Come on up and introduce yourself.

>> I'm mary carolyn george, an architectural historian. My husband, architect and preservationist, eugene george and I live at 4314 avenue g. We have anchored two properties across from hyde park at the southwest corner of 44th and g for 34 years. My brother, who lived around the corner in 1906, remembered that the route shieps street car line between the university and hyde park went through fields of corn. I will show just six slides to illustrate the urgency of zoning hyde park as a local historic district. We begin at the northeast corner of 44th street and f. Our beloved neighborhood park, which is also favored by those who journey from farther afield. This plaque documents the history of our neighborhood. The log cab enstructure, which is the focal point for many celebrations in the park, was a 1930s work project, but it recalls the log cabins of the 19th century built along the banks of waller creek which flow through the park. Next slide? Now move on to the southeast corner of the intersection. This is a 1926 bungalow with a 1940 addition, intact and contributing. Note the trees. Slide 3? Across the street on the southwest corner is another contributing structure built in 1924 and also intact, more beautiful trees. Next? Now on the northwest corner of the same intersection two developer houses. Compare the size of these with the houses in the previous slides. Note the lack of trees. The builder found a magnificent tree on the corner lot an inconvenience, ignored tree preservation procedures and it was gone early the next morning. These houses overlook shipe park and many park visitors know of our historic neighborhood. Next? Now let's go down the street to the corner of avenue f and 44th street. The gertrude jones house as it looked until may of 2008. Next? And today, the gertrude jones house was on its way to historic zoning when a glitch in the city process led to its immediate demolition, crushed into a mountain of rubble. Nothing saved. A vacant lot, has been now for a couple years. But on a more wonderful note, immediate -- diagonally across the street from this is jill's victoria cottage and her garden is featured in southern living magazine this month. Her garden wall is like a to with little angel heads. But the children call this garden the trinket garden because jill leaves little treasures for the children, and the children leave treasures for her. Demolished houses and sensitive development -- ma'am, that was your time.

>> Don't let any more happen. Thank you. thank you. Are you in favor?

>> Yes, sir. and your name again?

>> Deton vednar. got you. And carol burton has signed up to donate niem to you. Carol is apparently not here so you have three minutes.

>> I'm deeton vednar, 4103 avenue g in hyde park. I'm here because I can't take demolitions in our neighborhood anymore. I struggled with this issue, watching houses get torn down in my neighborhood and being replaced by lesser quality structures or a vacant lot has made me make that choice between personal freedom and the right to do what I choose balanced with protecting our neighborhood. The design standards have personal choice in them. There is people that i respect very highly that feel differently, but i would say that there is enough personal choice for me to have the right to have my property reflect my personality. One of my neighbors said, we don't own these homes, in my mind. We are their care takers, and we are here to take care of them. I think of all the people who have lived in these homes. We are there to take care of them, to protect our neighborhood. Hyde park has a sense of place. It is tree-lined. You know, avenue b growth trees, victoria homes, bungalows. We've got a thriving business district, and i think that if we don't have the local historic district we're going it lose all of that. --

To lose all of that. It will become desperate. It will become another suburb, we've already seen that. So I ask you to protect this first suburb of austin. Help us maintain this sense of place. Will hyde park change? Yes. But let's connect the past with the future and go forward responsibly and protect what we have. Thank you very much. thank you. Next speaker in favor?

>> Hi, my name is michelle paris I'm at 4213 -- the slide steve sadowsky put up of the green bungalow is mine. I'm a chiropractor, I have no real dog in this race. In 2008 I was the chair of the local historic design standards committee and i was set with the task of trying to re-create the original documents. We were a group of ten people with dissenting ideas ranging from strict historic preservationists to liberal property rights advocates. After a year and hundreds of hours of work we reached consensus. Understanding that satisfying all of us would be impossible, we set out to create a document that was acceptable though imperfect, with the knowledge that a good contract is one in which each party feels that they gave and they got just a little bit too little. During this period of time three of us were also actively engaged in adding square footage to our historic homes. This added a unique perspective in that we were able to assess how our own guidelines were affecting our decision-making and how the bureaucracy would hamper our efforts. Two of the homes were on the 2009 homes tour including my own, and my received a five-star austin energy rating and was on the cool homes tour. We learned that historic preservation can be compatible and dovetail with historic concerns and modern construction. My home has since been made a historic landmark. My interest and success in combining preservation with greenbuilding resulted in jackie shrad asking me to sit on a committee for oarms for historic struck and preservation last year. I've not been engaged in the local historic district efforts the last year, i read the original document and the current document carefully. Remember that I drafted it and I know each sentence intimately. It's clear that the intent of the new document is essentially the same as the original one that was presented to the hyde park neighborhood association. Grammar and syntax have been corrected. I can completely understand 4, which has now been corrected and is unfortunate it went out the way it did, mandating the replacement of elements of a home only with recycled ones wouldn't just raise eyebrows but cause faltering of support for the local historic district. Other than that the issues raised by the hyde park -- save hyde park group I think are erroneous and based mostly on misunderstandings. In an attempt to acknowledge opposing viewpoints and foster a bridge between any divide that's been created in the neighborhood I offer the following. The design review meeting with a hyde park neighborhood association, a certificate of appropriateness from the city was always required. This isn't new and won't go away if the historic district fails.

[One moment, please, for]

>> property values have tended to go up in historic districts. I don't know what will happen in hyde park. House prices are already fairly high here, so I don't expect that the local historic district will affect affect values as much as those that have been in decline. My opinion is it will have a positive affect, although not greatly positive. I have lived in hyde park since 1977. I was in real estate for more than 21 years. There have been some good new houses built in that time, however on balance i think there were more inappropriate houses built than ones that contribute positively to hyde park. Hyde park is one of the oldest neighborhoods in austin. Please help us preserve it. Thank you.

>> Mayor Leffingwell: Thank you. ...

>> Yes. My name is linda team, and I'm here tonight representing the heritage society. You've seen the letter perhaps, but I made copies for everybody to have another one. I'm not going to read it to you. I just want to say how happy the heritage society board is to see this application finally before you. It has been years of hard work and we really are proud of the folks and all the hard work they've done. Each one of these things we think will get easier. The first one doesn't really count. It was tiny and they paid somebody to do it and it didn't really -- it was an accomplishment and it got a step going, but castle hill as you know had a lot of bumps in the road. We're working on this machine as it's begin to go run down the road, and it's getting better. We've met with staff and we've talked about ways to improve it still better and make it more smooth, but at this point we feel like these folks have crossed every possible t and dotted every possible i. I don't see how in the world anybody could go any further in getting the

support they so we hope you will go ahead and push it as far tonight as you possibly can towards passage. Thank you.

>> Mayor Leffingwell: Thank you. Next speaker in favor.

>> My name is wanda pin and I've lived in hyde park since april fool's day of 1977. During that time I have purchased two historic houses and sold one, so i can tell you from both ends of it that they do have a value when you're buying them and they do have a value when you're selling them. Earlier zoning cases this evening when y'all denied it, one of the things that was said was that, well, the house is in good shape. It had nice owners, there was no danger of it being torn down, so really historic zoning, that might be one thing that -- one reason not to go ahead and zone it historic. When we go to the landmark commission they say, well, you're only trying to save this house because it's going to get torn down and we're not going to get torn it because it's going to get torn down. Catch 22 here. Y'all aren't talking to each other. We need historic district in order to help us preserve what we have. And to make what's there better. Another somewhat disjointed thing about this, when I go to the store to buy something I expect to pay cash or pay something for it. Everybody is talking about -- the nay sayers are talking about how this is taking away our property rights. I don't see it that way. I see it as I am willing to do certain things or not do certain things on my property in return for your not doing the same things or doing the same things. And I don't see that as a taking. I see that more as a gift to my neighborhood. And I hope that they understand that. Thank you.

>> Mayor Leffingwell: Thank you. Next speaker in favor.

>> Hi. My name is carolyn grimes and I've lived 12 years at 409 avenue g. When I graduated from u.t. There were few jobs available in austin, therefore I spent my professional career living in new york and various texas cities before finally getting to return to austin in 1998. It is wonderful to be back here and I love my 1924 bungalow home in historic hyde park. Previously I've lived in an older central dallas neighborhood that was filled with homes built during the 1920's and 30's --

>> Mayor Leffingwell: Can I interrupt you a second. I don't have you on my list.

>> Okay. Then I can stop.

>> Mayor Leffingwell: You can go ahead, but sign up with the clerk afterwards.

>> I witnessed the demolition and overexpansion of hundreds of older homes by individuals and by developers. I saw many dallas neighborhoods lose their historic distinctiveness and character-defining details house by house. And I did not want that to occur in hyde park. I volunteered to serve on the local historic district committee in late 2006 and the design standards subcommittee in 2007. Others will discuss the long process we took to create the local historic district and the design standards, but I gained something of great value in return. I learned so much that I was inspired by my neighbors' efforts to preserve the historic fabric of hyde park. I decided to do something to help my hometown. As it happened in vernon in dallas, and was beginning to happen in hyde park, individuals were ignoring preservation and looking to modernize. In the process character-defining features were covered up or removed. Name reduce irrelevant replaceable historic buildings were leveled, including the original carnegie library on the town square. I create add foundation for historic preservation in 2008 and the town was recently accepted into the texas main street program, a program that assisted more than 140 communities, texas communities, revitalize their older downtown through the context of historic preservation. The new hyde park local historic district will ensure that hyde park will remain an area of distinctive historic this desired district will draw for years to come. Residents, tourists, shoppers and visitors who appreciate the unique historic style and character-defining features of our buildings and neighborhoods. I respectfully request that you accept the local hyde park historic district. Our neighborhood has followed autopsy rules to reach this point. This historic district will save irrelevant replaceable historic homes and add to the uniqueness of austin that we all love. Thank you.

>> Mayor Leffingwell: Thank you. And please sign up with the clerk. Okay. Dorothy is -- you have someone donating time to you.

>> I don't need any time.

>> Mayor Leffingwell: Okay. We'll give you three minutes anyway.

>> Thank you. I'm Dorothy Richter. When we discovered there was a need for a neighborhood association after the fire station, a group of about 10 or 12 met many times down in Hyde Park and we had to draw up our purposes and our goals, and one of the first things in our purpose was to preserve -- anyway, it was to preserve Hyde Park -- to preserve the Hyde Park that exists -- I'm sorry. Hyde Park exists to foster a closer, more genuine community of neighbors and to preserve the historic and unique character, amenities and the ecology of the community of Hyde Park. And one of our goals was to promote and preserve the highlighting and historical significant homes in Hyde Park. So this has been our goal from the very beginning. We recognized Hyde Park to be a special place. I have jotted down a few people that have passed through Hyde Park and it was sort of noted for its artists. It had -- it had Elizabeth Ney, the sculptor, it had the iron works, George Boutwell, a painter who -- Texas painter. It has Charles Page, who is father of the Texas architects. It has the Covert, Covert business. Walter Prescott Webb is related to -- is the Olphant House. May Thurman and Weed from the Weed Corely Fish Funeral Home, Willie Core Sur Rec had his business there and his office, his law office after he became a lawyer. We had Ramsey the person and Governor Robertson after he was the governor, and Governor Allred when he was a renter. These are just a few of the people that have been in Hyde Park. It's important that we save it.

>> Mayor Leffingwell: Thank you. Anyone else wishing to speak in favor? I have Mohamed Arami. Signed up in favor. Not here. Wanda Pin. You already spoke? Okay. Catherine Moore? You're declining? Okay. So those are all the folks that I have signed up wishing to speak for, so we'll go to those who are opposed. Beginning with Lawrence Gilg. Lawrence, did I pronounce that right? And sir, you have three minutes.

>> I'm here to speak about the energy efficiency implications of local historic districts, but I do support many of the points that you will hear from my other people in opposition in terms of the particular proposal and the process. I've been involved with the neighborhood, I lived there about 28 years. I was the former president, initial chair of the development review committee, and people aren't talking about the interim -- the 1985 comprehensive zoning code, which really did help with capability. I think there were a lot of available tools given to the neighborhood with that ordinance. I was chairperson of the HPNA Hyde Park Baptist Church Lee Son Team that came to an agreement with those folks. And my park is on the Hyde Park home tour after we remodeled, which many of the details of the remodel violate this ordinance -- violate this ordinance. I can go into more detail on that if you care. I will save this for last if I've got time because I wanted to talk about energy fitness. That's a term I coined this morning where it sort of encompasses conservation, efficiency and renewables. I come at it from an engineering background. I'm a professional engineer in Texas. My practice is focused on design and implementation of solar. I have four solar systems on my property. Thanks largely to Austin Energy I've generated about 20 megawatts of energy in that five years. It's about 330-kilo watt hours per month, which gets me net zero electricity when I don't need my air conditioning. I capture a bunch of rainwater and the PVC requirements in the zoning code I don't understand. My systems happen to be visible from the street. The little diagram shows 39th Street curves around and my backyard is closer to a public street than my front yard. The new ordinance I'm not sure whether that applies or not. It's kind of confusing. Energy fitness and historic preservation interests, I'm trying to understand and come to grips with the energy -- the historic preservation point of view. And the best definition I can find was a Con Tech rather energy conservation have no historic counterpart and make a strong impact on existing buildings. I think that's kind of what -- that's my view of what the historic people want. And then the Hyde Park -- in the proposal they state that

(indiscernible) as one that has not been torn down. I think that's true, but there's a difference between

taking down a house and recycling and reusing the components and sending them to a landfill. I think this is a little bit inflammatory, but i understand the point behind it. But the energy fitness interests are to residential solar pv breaks the costly transmission path from the source to the load. So you have the source of the power right on your roof. You don't have to build the infrastructure to get that from west texas to people's houses. Austin's abundant solar resource can reduce the lloyd on the electricity grid during peak hours in the summertime.

[Buzzer sounds] residential solar --

>> Mayor Leffingwell: That's your time, sir.

>> That's it?

>> Mayor Leffingwell: Unless somebody else wants to donate time to you. All right. The next speaker is crirk kirk. Chris, you've got three minutes.

>> Thank you, mr. mayor. mayor pro tem and councilmembers. I'm dr. chris kirk. I live with my wife becca and my son david at the corner of 44th street and avenue c. I'm here as a homeowner and resident of hyde park to urge you to please vote against passage of this local historic district. And there are two reasons I'm asking you to do this. The first is that the local historic district is not supported by a majority of the actual homeowners who live in hyde park. As you all know, the bar was recently lowered for property owner approval from 60% to 51%. Even with this lowered bar, the proponents of the local historic district have been unable to garner more than 51% support in favor of the proposal. This is even after the city has pledged support in the form of the baker school, shied park, liz bet ney museum. I find myself in a situation where I apparently am against this district and haven't signed on, but the park where my son plays is evidently in favor of the district. This seems a little incon grew us to me. What this means is that with the city's support -- the second reason I'm asking you to vote against this is approval of the historic district is fundamentally flawed. I have enormous respect for the work put into this by my neighbors, including my next-door neighbor who i know has worked more than four years on this. But the problem is the signatures of property owners supporting the local district are based on one said of design standards that will become mandatory if the local historic district is approved. They would have you believe that the standards have a light touch for renovation and wouldn't touch routine maintenance. But to give you an example, if the new rules passed, if I want to change my front door, if I want to replace a malfunctioning light on my front porch, if I want to repair one of my rotten front windows from 1924, i will now have to seek the approval of the historic landmark commission instead of simply going out and doing the work. And personally I find this preposterous. I believe for me that these requirements represent an excessive intrusion into my rights as a homeowner and the key point is that none of these very restrictive provisions were in the original document that was actually signed off on by someone less than 50 percent of my neighborhoods. We have a game of bait and switch and I would ask you to vote against it. Thank you.

>> Martinez: Thank goodness, councilmember shade is awake. The next speaker signed up against is john latouf. After john it will be kenneth deion. Come down to this podium if you would like. You're fine, sir. You will have three minutes. Welcome.

>> Thank you. I'm john latouf. I lived in hyde park a very long time. I was a paper boy in hyde park and I was raised there with my five brothers by my single mom. My children have all grown up in hyde park and have never lived anywhere else, so I do have some miss his try there. Chris articulated himself quite well in regard to some of the issues that are here. What you're looking at is giving an awful lot of power to a few people and we all know when you give power like this over our home, a major investment that is our life. To a few people, that you put an undue pressure on the people who own homes in those neighborhoods. The people that sit on the other side are all good people. They're neighbors. They're friends of ours. But our homes are our homes as well and I think what you will find is that we're not against having historical district put on there blanketly, we're asking you to have them come back to us around a compromise because some of the things you've heard here are true. There

have been some bait and switch. People have wanted to change their petition and were told that they couldn't do it. We're a neighborhood and our neighborhood is not built on the houses that are in the neighborhood. Our neighborhood is built on the people that are in that neighborhood, me and my children and my neighbors. That's what makes a neighborhood, not the materials that have built that neighborhood. They're important. But we're neighbor against neighbor right now. The businesses that come into neighborhoods that you give the power to the neighborhoods to be able to control, I completely understand that. But when you're talking about our homes, when you're talking about elderly residents who may need to pull some of their money in the future to live all of their home and they're going to have these requirements, these are not going to be easy standards to meet. And you can see that the right of entitlement from the other side and they think it's their god given right to be able to put this on everybody, all we're asking is that the standards that are put forth out here, that have gone through this whole neighborhood and that they don't have some false 50% on there, you realize that a lot of times when things come to light is when they're brought to the light of day like this and that people come out and you finally get to the true real percentage of people that want this and you have the power and the knowledge and you have the ability to be able to make this right in our neighborhood. We don't want you to split the baby like king solomon, we want you to look at it from a standpoint for all of us. We all have rights in this neighborhood. You can send them back to compromise with us and i think that's the best thing to do is say hey, neighborhood association, go back to the people. We really want to see those percentages during this neighborhood. We really want to see you work together to come up with this plan. I don't begrudge them. They have worked hard. They are my neighbors. But we should all come at this together. It should be the right thing to do. There are people coming out of the woodwork now that this has come up. Thank you.

[Buzzer sounds]

>> Martinez: mayor, we also have -- mayor, we also have a little bit of an order, so I'm going to let one of my colleagues speak in front of me.

>> Mayor Leffingwell: Come up in the order you want and give me your name.

>> Joseph (indiscernible). I live at 4413 avenue c. We've been there for maybe 20 years or so. Our son grew up there, went to mccallum high school. I think there should be no doubt that this request to declare this an historical area is very much about a usurp (indiscernible) of property rights. I feel the city council had no right of dropping that percentage from 60 to 51%. Something that important should have been put up for a vote. It applied to the whole city. We bought our houses. I don't know where you folks live. I imagine you have nice places. If you wanted to put a door in your front so you had more light coming in, it would be nice to be able to do that. We have a proposal for remodel. It's actually been approved by the historical commission recently, but one of the recommendations made was that we didn't replace the rotted wooden windows with high efficiency double pain gas filled windows, which would be somewhat more efficient energywise and a lot more efficient acoustically. We live at the corner of avenue c and 45th street. There's no money provided for folks to maintain their buildings. I actually had picked up a handful of the same brochures that karen handed you, but I don't have to do it now. I saw that austin was using our neighborhood to promote itself as it funds music, as it funds film, as it funds other things that help our city out. I would think that the city would want to fund our neighborhood also if they want to tell you how we should maintain our houses. This is a big deal to a lot of people. That's about it.

>> Mayor Leffingwell: Thank you. Next speaker against.

>> My name is wallace bonnell --

>> you have people who have donated time to you.

>> Yes, I do.

>> Mayor Leffingwell: Kevin heyburn. Is kevin here? Okay. so you have up to nine minutes.

>> I've been called joe from birth. Please call me joe. I bought my first house in hyde park in 1978. It was a duplex that had been condemned by the city. I don't know if the condemnation forms are the same as they were then, but back then it was a two column single page with a check box for foundation, roof, electrical, etcetera. Every box was checked. I've crawled over every part of that building over a period of decades. I know a little bit about the maintenance, the repair, the improvements of houses in hyde park. And so do a lot of my neighbors. This is a neighborhood where a lot of people have invested over a long period of time, invested their money, invested their energy, invested their time. I'm an outsider here and I'm not adamantly against the concept of an historic district. I am an introvert and I am out of my element here. I am much more comfortable in my garden or crawling around my 100 year plus house. I'm not a practiced or skillful public speaker. My aim in being here is not to defeat the proposal for the historic district, it's in the hope that the discussion will lead to a viable set of design standards. To me the problem with this is in the details. It's not in the concept. And I am not an advocate for developers or for out of scale houses. I feel the same pain my neighbors have expressed when I see a crummy looking house go up in the neighborhood. I lost my point on that. Do I have to come over there? This is just one small part of a survey of 640 buildings in the neighborhood. I'm showing it to you because I want to illustrate the criteria that went in to the enormous database that terry meyers prepared, the enormous work I know a lot of the neighbors contributed to it and I'm showing it to you for a particular reason. This is the house at 4200 avenue b. If you look here, you see that it is contributing. It's a house like a lot of houses in the neighborhood that has moderate alterations, that doesn't detract from historical character. Let's take a look at this house. Look at the front door. It's anything but an historical door. Look at the porch. It's a masonry porch. This house built in 1914 undoubtedly had a wooden porch when it was built. This concrete porch has been covered with glazed tile. Not typical in 1914. Look at the porch columns. Look at the balance strayed. Look at the spacing of the columns. All new, all made up. Not in character with the original. Look at the shutters. This house is not of the size and type of the others that would be original. These are just plastered on. I call your attention to this because this is a contributing house and what it tells us looking at this as a contributor to the neighborhood is that the houses in hyde park are resilient. You can do a lot to a house. You can take the wooden porch down, you can put up -- I hate this door, but there it is, and it still contributes. You can do all of that with the aluminum screens and i could go on and on about all the non-historical aspects of the house. And it still contributes. Compare the set of criteria that we're seeing in this house with the criteria of the design standards and it's like night and day. The design standards as written now are severe. They really make it hard for homeowners to do routine maintenance. Anyone who owns an older home, a wooden home, you know that there's just constantly stuff to do. There are constantly boards rotting. Moving towards -- how do we get to yes on this? I'd like to make a suggestion. I think there's a way for us all to come to agreement. I think there's a potential for a compromise that relates to the design standards. Here's my suggestion. And this is a suggestion that comes out of having walked the neighborhood in the last week, not just in order to gather petitions, signatures, but the great benefit to me of having done this walk, this door to door, was getting to listen to my neighbors and hear what their concerns are about the current plan. Yes, some people are just against it no matter what. Most of my neighbors are not categorically against the historic district, but they want to feel safe, safe from the intrusion of people who seem to want to control every little thing. Here's my suggestion. Why not build in a dollar threshold which could be \$5,000, \$10,000? You couldn't do this kind of stuff for that kind of money. You can't really botch a house for \$10,000. But if tmp -- if it was something reasonable like \$5,000, that would allow the residents of hyde park, the homeowners, to do minor repairs without going downtown, without getting a certificate of appropriateness, without getting a dispensation or an exception to that. It would take a lot of the stress out of it for my neighbors. I don't want to belabor the point, but here's a fabulous house on avenue b. I draw your attention to its status according to terry meyers. Largely intact. Let's look at it closely. This is the roof line of the original porch. You you can see that this bay window was added much later. Here's the porch column. It's enclose understand a wall. This is now interior space that used to be the front this is the front door. Now it has burglar bars on it and it's moved forward. This is a building that's largely intact. We need the design standards to be as relaxed about what contributes, what's intact as the survey data. We need con so nants between those two things. I think the neighbors in hyde park would be much more comfortable with the historic district if

the design standards backed off a little from an extremely controlling condition about minor maintenance and minor repairs.

>> Mayor Leffingwell: Thank you. Next speaker opposed. Do you have any donated time?

>> I should. I should have 12 or 15 minutes.

>> Mayor Leffingwell: That's your name?

>> Eric begland.

>> Mayor Leffingwell:

(Indiscernible). Walter foster. Walter is not here. Mike mchone is here. Sandra fatoni. Okay. So you have up to 12 minutes.

>> Good evening, council. My name is eric and I lived in the historic district and I am proposed to this plan. Like me, most hyde park property owners are not against historic zoning but hyde park property owners are against this plan. Who are we? We're a group of concerned residents that were compelled to act after the november 1st hpna meeting because of the continued disenfranchisement of stakeholders in the neighborhood. Who supports us? Who do we represent? We represent the neighborhood, property owners, the stakeholders in district. In just five days we gathered over 175 protests opposing this plan. That's over 25% of the property owners in five days. About 70% of the property owners we talked to signed the protest against this plan. This includes 80 to 100 property owners that felt bait and switched and would like to withdraw their support that they previously gave to this plan. We're the neighborhood. Next slide. So who is the neighborhood? It's 640 properties, 640 property owners, maybe more than that, between 270 and 480 contributing properties, depending on definition. I'll get to that later. What is the hpna? It's about 90 members, only about 25 to 40 that show up for meetings. But really about 10 principals that drive the activities of the hpna. What's the member requirements for hpna? To live outside hyde park? You don't need to own a property and you don't need to own a contributing structure. At the october 12th planning commission meeting, the planning commission asked the hpna if property owners would have the opportunity to review and approve the revised plan before tonight's meeting. The hpna responded yes. At the november 1st hpna meeting. Members were disingenuous in this response. The revised plan of notice, they waited 14 days to post to their website. They posted it five days before the november 1st meeting. When they took a vote on it, they violated their own bylaws by not having seven days' notice prior to a vote. The pecan press announcement that goes out to all the neighborhoods who aren't on the hyde park listserv, it was delivered after the meeting t had the wrong address for the meeting. At this meeting the 25 members were there and voted to approve this plan. Property owners that actually found out about the meeting and showed up, we weren't allowed to vote. We aren't part of the club. All we showed up and asked for - we didn't say don't do this plan. We're against the plan. We said whoa. Slow down. Give the neighborhood an opportunity to review this plan as revised. They refused. They said we don't need majority support to move this forward. That I need to respect my elders. Be quiet and go away. you can't stop us. No council will ever vote against an historic district. The plan that sits here before you today was approved by 25 people and it opposed by over 170 property owners. The people that approve it had are the people that would not be subject to it. The plan before you is likely legally compromised. It needed 51% support before zoning was initiated. The rezoning process was initiated at the july 26th hlc hearing. As of july 26th, the 51% support had not been verified by the city. The hpo has refused to provide certified documentation that 51% was supported prior to july 26th. There was an original information request made to THE HPO IN JULY OF 23rd. There was an official public information request submitted to constituent on october 12th. These are apparent violations of both city code and state code. You can see the e-mail at the bottom. At the time the nominating committee put in the documentation, staff saw that it competed 51%. Since that time the percentage has been verified. We had a discussion about the petition earlier and the importance of verifying if that petition is verified. In your packet you will see november 8th, 2010, the city verified the plan had 51% support required to

initiate the zoning on July 26th. The verified level of support is 51.01 percent. We know that eight percent of that is constituent property, but I'm not going to go into that. So about 42%. Not just a parking facility that they have the rights to today, or facilities, trading development rights for votes is a slippery slope and these aren't the rights that the hpna is entitled to give. The plan not -- just not supported. It's opposed. We'll solve this issue later about whether the 20% in the petitions are valid. I have them today. Statements of support that were obtained under false pretense, one version of the plan was presented to the neighborhood to get them to sign statements of support and substantially different plan sits before you today. The petitioner would have you believe it's just a little bit of change, just a little legal change. Look at the copies in front of you. The highlights are all the changes in just the last 90 to 120 days. Don't take my word for it, don't take our word for it, let's hear it in the words of the actual stakeholders, the property owners. Next slide. I am strongly against the document in its present form. The history of efforts of some very dedicated persons described below may be true, but why not point out the fact that many of us signed on to a plan very different than current one. I'm not against some form of plan, etcetera. The bottom. I opposed new Hyde Park historic district zoning laws. If I previously signed a statement of support, I withdraw my support. Next slide. I want to express my opposition to the historic district as proposed, it was with great concern and prepare addition and three women badgering at my porch for the third time that I signed the petition supporting it. I was concerned that I would morph into something more restrictive. I know now my fears have come to fruition. I think the hpna started out with a good cause and it's gotten so twisted and edited since then that it's almost unrecognizable annual by those of us who originally sponsored it. The original proposal was sold to the homeowners of Hyde Park as a way to prevent demolition of historic homes. The material has now metastasized into a strict code that mandates approval from the historic landmark commission something as simple as a new door. This should be stopped. The proposed guidelines for home improvements, if Hyde Park becomes an historic district, will be too burdensome, leaving homeowners with not being able to make improvements. This is not a small area. This is the largest historic district the city is considering. There are -- the zoning will affect over 1,000 people. The final plan should not be approved by only 25 people. Next slide. Joe makes an excellent point. The hpna used different standards for classifying a structure as contributing than for its zoning laws. They should use one set of standards. If it's good enough to classify it as contributing, it's good enough for the zoning laws. The hpna used the looser standard of appearance for classifying a structure as contributing and the zoning laws material based. In actuality, we talk about the national register of historic places. This classification would disqualify a building because certain materials were not used much as we've seen from Joe, many of the buildings would not classify as a contributing structure under the national registry of historic places, but that's not the standard we're using. We're using appearance. What's the impact of that on the homeowners, the stakeholders in Hyde Park? Next slide. This is just one example of how these zoning laws are poorly conceived. The very improvements made by this homeowner that were used by the hpna to classify this home as a contributing structure would not be allowed by the zoning laws as planned before you tonight. This house looks very nice. It's vinyl siding. It's not wood. It's classified as contributing. What's the impact of changing definitions? A looser definition allowed more structures to be classified as contributing. And therefore have the plan and the zoning apply to more structures. Contributing structures in the old district went from 53% to 75%. We'll look at these new contributing structures. These are directly from the hpna survey database. Old does not equal historic. What is the property owner going to do under the proposed plan? This is a contributing structure. Under the design guidelines that are proposed to you tonight, the owner of this property would have a difficult time, if possible at all, to do anything with this property. So what will happen? Nothing. Routine maintenance. Either they'll do it and violate the code or they won't do it and this house will move into more disrepair. And finally, here we have an asphalt and concrete culvert that is historic in Hyde Park. Next. I'm not just here to complain about a problem. I've always told when I bring a problem forward I should have a solution. Where is the common ground? Property owners in Hyde Park enjoy the nature of the neighborhoods, but they think the plan before you is bad and in fact they oppose it overwhelmingly. What can we all agree on? Restrictions on demolition where repair and maintenance is economically feasible for the owner. Guidelines for new home construction. The plan might be pretty good for this area. Leave home maintenance out of it. No one is worried about a neighbor putting in energy efficient windows, changing the front door or putting up a new porch light fixture. Additions, I can't speak to. There's no consensus. My recommendation to the council would be to leave additions out of the first version because it is a hugely contentious issue. I

have no -- in my talking to 100 neighbors, I don't have any advice to offer you for additions.

[Buzzer sounds] last slide.

>> Mayor Leffingwell: Your time is up.

>> Okay.

>> Mayor Leffingwell: Thank you. Are you kenneth deion.

>> I'm the last speaker.

>> You are.

>> Mayor Leffingwell: So far at least. Well, we have one speaker signed up neutral. mayor, members of the council, I thank you very much for still being here at the late hour. I will try to not use my entire three minutes. 00 and you've been here a lot longer than I have and I'm worn out. I will finish with begwin's recommendation and that is that the city council deny the petition or table the item until after the plan has been supported by the majority of the hyde park neighborhood property owners. The city council should conduct an independent review of the hd zoning process and solicit feedback from property owners, individuals that are not owners of property directly affected by the zoning should not have a voice, but not have a vote. They should have a voice, but not a vote. We encourage you to vote against the plan. And now to my very brief three slides. As you've heard here tonight, in five days we were able to go out and get over 170 signatures opposing this plan in just a week's time. I walked around my neighborhood and I talked to neighbors that I have never met before who are packing up and leaving the neighborhood for reasons such as this, who have lived there for much longer than i am, and I've lived at 4205 avenue a for 18 years now. I didn't just move into the neighborhood yesterday. What we heard is the hpna is just completely out of control. That they've got an entrenched leadership, a small club of folks who are pushing an agenda 25 people at a meeting endorsed the plan in front of you. They do not represent the property owners of hyde park. The other theme that we heard that was very disconcert to go me personally was intimidation, fear, bullying. And actually one particular person came up by name over and over and over, fear of retaliation by that person. In other words, these people don't speak for the neighbors in hyde park. And I'll let the neighbors speak for themselves in my last two slides, please. This was a person who was involved in drawing up these standards. And they said, I was treated horribly by a view individuals who have had a long involvement with the neighborhood. They seem to think that they were the ultimate authorities and holders of power in the neighborhood. I was personally abused and came to did he test the politics of -- detest the politics of this neighborhood. I worked so hard for this neighborhood, became one of the worst experiences in my life. I will never again commit time and energy to the formal vehicles that currently exist for the stewardship of hyde park as long as the people are there who treated me so badly and are still involved. These are just in the last few days.

[Buzzer sounds] you can read for yourself. They're in your packets. Thank you for your time today. We encourage you not to vote for this.

>> Mayor Leffingwell: Thank you.

>> So the following speakers are signed up for. David honorer not wish to go speak -- david connor not wishing to speak unless there are questions. Lisa harris. Janet sitler, gwen

(indiscernible), spelman. Niemann burton. Marie brooks. Linda mcneilish, rick iverson, ellie hanlon. Signed up against not issue withing to speak, eric smart and michael nil. We have one speaker signed up neutral. John paul gourd. And is denise gerard here? So john paul, you will have up to six minutes.

>> Thank you, mayor and council. My name is john paul moore. I've lived on avenue h for going on 15

years now. I must say that the presentation of the people who have reservations about the historic district would be very persuasive to me if I were not aware of the full set of facts that accompanied this. I'm glad that they were -- have been working for the last five days, walking blocks in the neighborhood. We've been at it for five years.

>> Mayor Leffingwell: He signed up neutral. Sorry.

>> [Inaudible - no mic].

>> Mayor Leffingwell: You will have to hold it down and let the speaker speak.

>> Thank you, mr. mayor. The hyde park neighborhood association of which I'm a member and which anybody who live in hyde park can be a member for a five-dollar annual dues, has considerably more than 90 members. Many more than 90 members. There was an implication that we traded the support of the hyde park baptist church for this 51%. That is a canard pure and simple. The 51% was already decided when this case was initiated and the baptists came in -- much as I would liked to have had them before that, the baptists came in with their support long before that 51% threshold had been passed. As for the bait and switch, it's interesting that we're seeing now -- we're seeing charges that this has been baited and switched and that we have changed it a number of times in recent weeks. Your own staff can answer, sadowsky are both here. The changes, most of the changes that were made in our preservation plan were made at the behest of city legal and the preservation office. And I think they will verify that. If you see the work that lisa harris sent you in her letter that we have reached out. They have periodically been throughout the past four years that poem that have come up and said we need to stop this parade and start it over. We have actually start it had over all at once and interestingly enough the people who have raised detailed objections we've invited to come back and participate in the deliberations and they haven't seen fit to. I'd like to talk about one thing. Donovan (indiscernible), who is an author and expert on economic effects of preservation spoke to the austin heritage society in 2007 and carol collette on her excellent smart cities radio program that I know some of you listen to asked him straight up the other day -- actually a couple of years ago on her radio program, which is still available on the web, what is -- what do you say to these poem who say that the restrictions and costs of these restrictions in local historic districts is too high? He answered with the old line about location, location, location being the most important thing about real estate. He said, and I'm quoting here, that the three most important things are not the ceiling or the walls, the roof and the floor, they're location, location, location. Real estate is peculiar as an asset in that its value does not come from within the four walls. The saying isn't about roof, walls -- roof, floor, it's about location, location, location, meaning that real estate gets its economic value from beyond the property values. It gets it from its context and what an economic perspective -- from an economic perspective, what a local historic district does is protect the context within which the individual property exists. Now, nobody -- I'm still quoting from him. Nobody pays a premium for a historic building to go to and appear down before some five fi historic commission. What people may pai a premium for and it's demonstrated almost ef time it's been looked at is the confidence that the lunatic across the street is not going to come be mucking up his house that has an adverse impact on mine. So it is really an economic boon and not some kind of marxist deprivation of property rights. That is his words. My own words are I have seen that lunatic across the street. He's not somebody that lives in my neighborhood, but he's somebody who bought and thinks he will improve hyde park by tearing down an existing historic structure and putting up a six bedroom super duplex stealth dorm. Behind me I had a man that was not even an architect say that he wanted and he got away with building something that had never been seen in hyde park before, and since he's built it, now we know why we haven't seen it and it demonstrates the wisdom of not building two story out houses. I just -- I want to tell you that --

[buzzer sounds] -- we need this and we need this in the worst way. The lunatics are circling.

>> Mayor Leffingwell: Thank you. Your time is up. I'll just say a brief word about the lack of neutrality in these last comments. And that is that the normal procedure in a zoning case is for the people in favor to have the last rebuttal anyway, so even though the contents may not seem neutral to me, I think i heard

that all of you were in favor of an historic district, there was just some disagreement, as one of you said, the devil is in the details. So that being said, i recognize your complaint, but those are all the speakers that we have signed up. Mayor pro tem.

>> Martinez: Thanks, mayor. It's been a long day and been a long case and many of you have worked for years on this. Those of you that have engage understand a shorter time appreciate the work you're doing. And that's the process. Now you're engaged, this council has made it clear -- I don't want to assume anything. I'm going to make a motion for only first reading tonight to give you the necessary time to continue to work on this. , But this is the process. It will ultimately rest with a decision on this council and so now is your opportunity I think hopefully that this council will give you to continue the work that you've begun. So with that, mayor, I'm going to make a motion on first reading just to start the discussion. I think some councilmembers have some direction.

>> Mayor Leffingwell: Does that include closing the public hearing?

>> Martinez: Yes.

>> Mayor Leffingwell: Close the public hearing and --

>> Martinez: Approve on first reading, but bring it back on december ninth for second and third.

>> Mayor Leffingwell: Okay. Close on public hearing, approve on first reading only staff recommendation, and with direction to bring it back on december ninth. Is there a second to that motion?

>> Second.

>> Mayor Leffingwell: Seconded by councilmember cole. Any discussion? Councilmember shade and then riley.

[One moment, please, for change in captioners]

>> and that was in consideration of the holidays, and I think that i would like to change the date for the second and third reading to be the 13th. I don't know if anybody will second that. there is another -- there is another meeting date. There's december 16. But we'll have to ask the maker of the motion -- no, i completely appreciate the request of council member shade, but seeing what the folks have been able to do in five days, I think in 21 days they can do a whole lot more, and that's what this is -- this is 21 days. We're giving them three weeks. I would be open and accepting as a friendly amendment if you want to make it december 16, which gives them a whole month, but I don't think anything is going to half over the two-week christmas holidays. I feel like at the beginning when we were talking about the postponement that they asked for january 13 then to keep the public hearing open, and I didn't think that seemed unfair, but if -- I mean, i can see that I'm not going to have enough votes for that so -- if you make december 16 I'll make that -- december 16 and the public hearing to remain open?

>> Martinez: sure.

>> Shade: okay.

>> That's fine. so now the motion is to leave the public hearing open and approve on staff recommendation on first reading only with direction to bring it back on december 16, acceptable to the maker and the second. Further discussion? Council member riley? mayor, I've just got a couple minor things that I hope will be friendly amendments. I hope so too. the first is a very small change relating to doorways. I know we heard something about doorways, and when i looked at the language in the standards I saw that there could be a little bit of tidying up there. With that thing that concerned me was that -- the language that -- the draft that I saw it appeared to be suggesting that it be creating hurdles for

even replacing a door that was not original. And so my suggestion is I'm passing out some suggested language now, under section 1, front of houses, i would suggest revising the fourth sentence to read "in cases where replacement of an original entry door is required or where the house does not have the original door, choose a replacement door that's compatible with the historic character of the house in terms of design and materials. At the end it says recommendations, look to other houses of similar style and age -- or publications dealing with same houses as yours. The idea is to make it easier to replace doors that aren't even -- that aren't original, and when doing so to -- and encourage people to find doors that are capacity I believe with the neighborhood. Would that be considered friendly? Okay. a second?

>> Yes. all right. and another concern I've heard is that because we typically -- there is a fee associated with seeking certificates of appropriateness, even for very small items like replacing doors, and so what happens often is people just go and make little changes without -- without going through that process, even when it might be helpful if they would. So I thought since it doesn't -- those things don't really put a heavy burden on staff, I thought we might direct staff to look into the fees associated with the local historic districts, including waiving the fee associated with certificates of appropriateness for projects that don't require a building permit. So for smaller scale projects that staff ought to be able to -- staff ought to have the authority to just waive those fees. We really want to have -- we want this to not be -- to minimize the imposition that this represents. People ought to be -- you know, I have a historic house myself, and I think it could actually be helpful -- well, it's not actually designated historic, but in some ways I think it would be helpful if I could go -- if I were going to change out my front door if I could go -- had a process for going to ask steve, you know, for help with that, and would want to encourage that kind of conversation instead of discouraging it. So the suggestion is to provide staff with a way to look into fee wafers.

>> Maker second?

>> The only other thing i wanted to add was I really do hope that the neighborhood will try hard to have further conversations about this. I sense that there is some -- a little bit of friction, perhaps, within the neighborhood, and, you know, I've been involved with my neighborhood for a long time and I know there can be personality issues, but, you know, we're all in this together. We all have stakes in our neighborhoods, and the process is only going to get better if people are willing to get involved and, you know, if you don't like the current neighborhood leadership or you don't like the people who are involved, well, get your friends to join in, and get -- you know, if you have more people in there engaged with the process, then that's really the long-term solution that we ought to be aiming for. It's not -- it's not a matter of staying out and just saying, well, I'm just never going to deal with them because that's only going to perpetuate the problem and make it worse. We have to try hard to work together and I really hope that before the second reading, that there will be renewed efforts to have conversations, especially about the standards on the historic districts, you know, whether -- we haven't always had healthy dialogues about those standards, and i think that the standards on the historic districts really would be better if we had more engagement, more dialogue about the details of the standards that are applicable in those districts. So I really think the whole neighborhood would benefit if you had a robust conversation about the details of the standards that will prevail. So I hope that will take place in the coming weeks. That's all I'm going to say. so we'll include direction in the motion as -- everybody tries to get along. Yeah, the specific suggestions made by council member riley, and remembering this is first reading only. And I also have to poi out, it seems to be to everyone's advantage to work together on these details and iron out these last details reminding you that there will only be six council members voting for final approval on this, and that will require all six council members to be voting in favor for it to be approved, because of the super-majority requirement in the event that a valid petition is indeed valid and verified. So I just -- all right? Council member morrison?

>> Morrison: thank you. I'm going to be pleased to support this motion, and ijust want to recognize the folks that vary working on -- that have been working on this for so long. It represents thousands and thousands of hours and dedication to the neighborhood. I think we all need to extend our appreciation for the patience that you have had, because there was another sort of long, drawn-out local historic district that was in front of you timewise, and even though the hyde park local historic district was ready

to go, the city asked you-all to just sit back and wait till the first one was done. And so I know that that was frustrating for you, but you have my special appreciation for that. And I do want to go back to, bednar, who said maybe a couple of hours ago that we all need to remember that we're care takers of our neighborhoods and the historic nature of our communities, and that's really what this is all about, and I hope that as these last few details might be ironed out everybody can really remember that it's about wanting to protect and make this community a better place. So hopefully there will be very productive conversations and we can come back and finish this up on the 16th. and i have one additional thing that I meant to say, and that is that this council is on record as supporting historic districts as a community-wide goal. I personally am in support of establishing historic districts, but we want to make sure we get it exactly right, that it does what it's intended to do and it's an asset to the community and not a dividing factor in the community. So --

>> cole: mayor? -- with that said -- council member cole? I have a brief comment. I do want to echo what council member morrison said with all the work that has been done, and I really believe that hyde park is, i know, definitely in the top three neighborhoods of the city that has historical structures, but one of the complicating parts of that is that we do have quite a bit of city-owned property that shipe park items are -- and also elisabet ney, and i think that could possibly be playing into some of the difficulty in not appreciating the work that you've done and then getting the other neighbors to get on board in that discrepancy. And I know we addressed it some and I think the cap is 17% or so. But because of that you need -- I guess it's good that we're only going to hear this on first reading and give you an opportunity to try to move a little closer together, but i certainly appreciate your neighborhood spending a lot of time in it and recognize it as historic. Thank you. council member shade? yeah, I'm very much in favor of local historic districts and i think it's a very important neighborhood planning tool, so there's no question that I believe that. I'm really uncomfortable with the animosity that I'm hearing, though, and even though I can completely appreciate how hard everybody has worked up until this point, I think it is, you know -- as council member morrison said -- she made a comment about the care taking from deeton bet bednar's comments about the fabric of the neighborhood, but one of the opponents said the neighborhood is made up of the people, more than even the buildings, that's what contributed to the culture and the buildings are part of the sense of the place. And no question, there's a strong need for preservation and respect for that, but, you know, I just -- it's very uncomfortable for me to see what kind of -- some of the comments that were made here and they were surprising. Some of the things were not things I was aware of until now. So I am very hopeful that in the coming weeks that neighbors embrace those that haven't had the time -- or haven't spent the time or haven't wanted to spend the time because they've had other things that they've been doing that were what they were interested in doing. And I understand when you're working hard on something that you want everybody to get there faster, but I feel really strongly also about the fact that, you know, we've got people who have lived here for many, many years. These are not newcomers to the neighborhood that are in front of us. These are people in many cases and they're representing many of your neighbors, and it doesn't need to be so ugly. I really hope that we can work on this, and I look forward to second and third reading as well. It seems like the items can be addressed, and I hope that they will be. all in favor of the motion say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 6-0 on first reading with council member spelman off the dais and recused.

>> Thank you, mayor, that concludes your zoning items tonight. thank you.

[Applause]

>> and those are all the items that we have on our agenda. Without objection we stand adjourned.